Clamor for Justice

Sexual Violence, Armed Conflict and Violent Land Dispossession

Luz Méndez Gutiérrez
Amanda Carrera Guerra

Equipo de Estudios Comunitarios y
Acción Psicosocial – ECAP

Clamor for justice
Sexual violence, armed conflict and violent land dispossession

Clamor for justice
Sexual violence, armed conflict and violent land dispossession

Luz Méndez Gutiérrez
Amanda Carrera Guerra

Clamor for justice
Sexual violence, armed conflict and violent land dispossession

Title in Spanish: "Mujeres indígenas: clamor por la justicia. Violencia sexual, conflicto armado y despojo violento de tierras".

First Spanish edition: November 2014.
First English edición: November 2015.

Cover illustration: Ana María Escobar, Escuela de los niños pintores Frida Kahlo, Guatemala.
Cover design: F&G Editores

Luz Méndez Gutiérrez: Main researcher
Amanda Carrera Guerra: Co-researcher
Contributors to the research process:
Judith Erazo: Project coordinator during the first year.
Olga Alicia Paz: co-researcher during the first year and reviewer of the text.
Eva Carías: psychologist responsible for the Polochic Valley at ECAP.
Vilma Chub, Ana Alicia Ramírez and Amalia Sub: Q'eqchí-Spanish interpreters.

This book has been made possible thanks to financial support by the International Development Research Center, Canada. The views expressed in this publication do not necessarily represent those of IDRC.

Hecho en Guatemala
Made in Guatemala

Equipo de Estudios Comunitarios y Acción Psicosocial
2a. Avenida 1-11 zona 3, Colonia Bran.
Guatemala, Guatemala
Telefax: (502) 2232 1430 y 2253 6071
info@ecapguatemala.org.gt – www.ecapguatemala.org.gt

ISBN: 978-9929-8096-8-0

Guatemala, November 2015

Let what happened to us be written down
so that one day people will know about this,
what happened to us women in our struggle for land.
Amelia Tec
Lote Ocho, May 5, 2012

In memory of Magdalena Pop, a Q'eqchí woman who left before achieving justice. Her final words encourage us to continue in this shared struggle to achieve dignity and justice for women:

"I already did everything I could.
I spoke when I had to speak.
Now you have to continue with this struggle".

Sepur Zarco, January 22, 2013

Contents

Note on the English language edition

The English language version of the book was under the responsibility of Luz Méndez Gutiérrez, who would like to thank Carol Cohn and Elinor Kirchwey, of the Consortium on Gender, Security and Human Rights, for their generous support in editing the text; as well as María Machicado and Ana Grace Cabrera, of the UN Women office in Guatemala, for their help in reviewing the original translation from Spanish to English.

This edition includes some aditional paragraphs and footnotes to facilitate the understanding of the text to the English-speaking readers.

Chapter IIII of the English edition appears as chapter I in the Spanish edition of the book.

Foreword to the English Language Edition

By Carol Cohn[1]

In your hands is a small book of enormous power.

Or perhaps it is better to say, a book with a unique combination of powers. Together they not only constitute an important intervention in current activist, scholarly and policy discussions about sexual violence in war; they also challenge us to shift how we think about both armed conflict and peacebuilding in the twenty-first century.

Clamor for Justice: Sexual Violence, Armed Conflict and Violent Land Dispossession is grounded in the lives of Maya Q'eqchí women from the communities of Sepur Zarco and Lote Ocho, in the Polochic Valley of Guatemala. It is one of the book's many virtues that we encounter them not through the abstraction "women victims of sexual violence," but through the particularity of their own voices, their experiences, their ideas.

Their ideas, the alliances they forge, their creative strategizing to wrest justice from legal systems that have never treated them or the crimes committed against them seriously: these are at the heart of *Clamor for Justice*. At a time when the international policy community calls for an "end to impunity," but lacks both adequate conceptions of how to achieve it and sufficient political will to transform rhetoric into institutional practice, this book opens our

1. Author, *Women and Wars*. Director, Consortium on Gender, Security and Human Rights. Boston, Massachusetts.

eyes and offers inspiration. The innovative legal strategies pioneered by the women of Sepur Zarco, Lote Ocho and their allies open new pathways to justice, not only for these Q'eqchí women, but potentially for women in many other parts of the world. We need these models, and *Clamor for Justice* importantly works to spread the word.

In addition to its valuable contributions to how we think about ending impunity, *Clamor for Justice* also pushes us to think about conflict related sexual violence with greater subtlety and complexity. It does so by showing how critically important it is to understand the historical, social, and political economic contexts within which organized sexual violence takes place.

Indeed, even the structure of the book itself communicates this message. It is not until Chapter IV that we read in depth about the specific crimes for which the women of Sepur Zarco and Lote Ocho seek justice. Prior to Chapter IV, we encounter these women "in their space and time." We learn how the social spaces they inhabit, within interlocking systems of racial, ethnic, patriarchal and economic oppression, are grounded in the colonial and post-colonial histories of Guatemala, right through to the current stage of neoliberal extractivism. And we see the brutal persistence, over six centuries, of the close links between the forced displacement of indigenous people within their own territories, indigenous peoples' dispossession of their land, and the rape of indigenous women. In other words, the content of the first part of the book is not the "background" to the story; it *is* the story, of which the experiences of the women of Sepur Zarco and Lote Ocho are yet two more chapters.

So even while centering the particularity of Maya Q'eqchí women's voices, authors Luz Méndez Gutiérrez and Amanda Carrera Guerra adroitly show that it is impossible to apprehend the causes of sexual violence, and the meanings and consequences of individuals' experiences of it, without analyzing the multifaceted effects of histories that originate much further back than the proximal causes of the incidents themselves and that stretch outside the geographic boundaries of the country where the events took place. In other words, getting an analytical grip on armed conflict related sexual violence requires a frame that is simultaneously very wide and structural, and very context-specific. Certainly, we benefit from the wide array of approaches currently being employed by other researchers on conflict-related sexual violence, including, among

others: interviews with perpetrators; examinations of chains of command, repertoires of violence and kinds of warfare; analyses of how armed groups and state militaries manipulate gender ideologies in their creation and disciplining of fighters, and in their quests for legitimacy, recruits and community support. But part of what Méndez and Carrera's book demonstrates with great power and clarity is the essentialness of the wider frame: the gendered reading of colonial and post-colonial histories and the gendered political economic analyses that reveal the structural dynamics within which sexual violence appears as "logical," necessary, a good idea, a solution, to the (mostly) men who plan it, order it, facilitate it, or perpetrate it.

In focusing on two cases of militarized sexual violence against Maya Q'eqchí women, Luz Méndez and Amanda Carrera bring forth accounts of crimes that had previously been all-but written out of postwar historical memory and considerations of postwar justice. They reveal the extent of the suffering experienced by the women, their families and their communities, and highlight their struggle for justice, and the innovative judicial strategies they develop for combating impunity.

In joining one case which took place during armed conflict, and another which was part of an extractive industry's efforts to access indigenous land, the authors also highlight the importance of attending to pre-colonial, colonial and post-colonial histories when attempting to understand organized sexual violence. At the same time, in juxtaposing the cases, they enable us to see how a shared historical legacy and the multiply-oppressive social relations it creates will manifest differently depending on the specific political and economic moment, producing different motivations for systematic sexual violence, and different instigators of that violence, even if many of the perpetrators are the same. (During the war, the perpetrators at Sepur Zarco were the Guatemalan military; more than a decade after the end of the war, the perpetrators at Lote Ocho again included the Guatemalan military, but also private security guards and national civil police.)

Finally, it is the haunting patterns of difference and sameness between the two cases that may provoke the most questions. The similarity in the kinds of violence to which the women were subjected, one group during war and the other during "peace," not only calls to mind the many feminist critiques of the conceptualization of a war/peace binary; it also prods us to think about both

the nature of peacebuilding and the nature of war in the twenty-first century.

Méndez and Carrera's work pushes us to question what kind of peace can be built in the context of the neoliberal extractive model of development. When national elites in newly-stable post-war countries ally with transnational economic actors, and those actors aim to strip away anything that could impede their unfettered access to resources, what kinds of impact does this have on efforts to rebuild lives and communities after war? Collective land rights, indigenous claims to ancestral territories, traditional forms of land tenure, resource use and community life – all of these become impediments to the massing of land required for mineral extraction or industrial biofuel farming. And violence, against the people on the land and against the land itself, becomes the means through which the extractive model is enacted. If, as this book suggests, physical and structural violence are integral to the current extractive stage of neoliberal globalization, what are the implications for how we conceive post-conflict reconstruction and the possibility of a reliably nonviolent, sustainable peace?

And what are the implications for how we think about armed conflict? In Guatemala's case, the civil war has ended, but private transnational actors and national security forces collude in continuing the violent dispossession of indigenous peoples' lands. The militarized exploitation of all manner of resources has resulted in a society where corruption is rife, violent criminal networks rampant, and personal security in jeopardy. Do we need to reconsider what we might mean by "armed conflict" in the decades to come?

I could spend many more pages writing about the questions this important book raises and the contributions that it makes. But in the end, here is what I want to say: read *Clamor for Justice*. Let it inform you, teach you, and stimulate your thinking. That's what it did for me.

Prologue

By Rita Laura Segato[2]

Luz Méndez, lead researcher, and Amanda Carrera, co-researcher of this book produced by ECAP, present a thorough and powerful image of the sufferings of the Maya Q'eqchí women from El Estor, Izabal, in the Polochic Valle, in the village of Sepur Zarco during the 1980s, and in the community of Lote Ocho in 2007.

One of the great merits of this book is that it not only contributes to revealing facts that have been concealed for a long time, but it also contains a keen analysis and interpretation of these facts in the light of patriarchal domination and its intricate relation with other power systems that have an impact on the lives of women in Guatemalan society. It is also significant that in the account of the events and the roles of relevant historical actors, the authors provide appropriate references, informing the interested reader of sources to continue investigating; while in their interpretation of the causes of the events, the authors also reveal their considerable knowledge of existing feminist analyses of violence against women, both in intimate relations and in wartime, as in the case of Guatemala.

Another merit of this book is that it connects historical events to the present, starting with the conquest and colonization, and placing in a single sequence the founding events of dispossession

2. Author, *Las nuevas formas de la guerra y el cuerpo de las mujeres.* Profesor, University of Brasilia.

throughout the continent and the 1982-2007 period of capital expansion, including its consequences for women, which continue into the present. The authors' focus integrates into a single story the subjection of the Mayan people, the massacres and the expropriation of their lands during the colonial period, the liberal period with its laws on embargoes, the expansion of monoculture farms, and the subsequent extension of the extractive model and agribusiness for the global market, with current networks of criminal gangs and organized crime. The book is a unique history of forceful usurpation and confiscation, analyzed on the basis of the two events that the authors describe in detail: the operation of the Sepur Zarco army rest barracks during the war waged by an authoritarian state against the people, and the despoiling of the Q'eqchí community´s land of Lote Ocho by the Guatemalan Nickel Company.

I emphasize that in a history of so much violence and injustice, this book does not show indigenous women as passive, but instead provides an overview of their participation and rebellion during history in all its periods, offering the reader a concise and extremely useful summary of the ways in which the women responded and sought justice, and still continue to do so today.

It also provides readers interested in recent historical events in Guatemala with an excellent synthesis of this period of history, highlighting essential elements revealed by the Commission for Historical Clarification, without overlooking other existing accounts. Taking into account the vast amount of information and material already available, this book offers the reader a set of structured data that reveal what happened during times as grim as the 1980s, and makes it possible to observe the unfolding of what has been imposed on the people as a single page in history, without overlooking the sensitive issues of continuity between the past and the present, and between authoritarianism and "democracy". I emphasize the Guatemalan oligarchy's and its North American allies' shared interest in land, the initial dispossession that established the basis for agribusiness, the current expansion of mining, and criminal violence. All of these, as noted, are reported here as a single continuous process, a common foundation for constant capitalist expansion and its consequences on women's lives that are the focus of this very thorough narrative.

Regarding the shocking case of the village of Sepur Zarco during the repressive period, Luz and Amanda undertake a very precise description of what happened to the women, with an ap-

propriate selection of testimonies that bring forth the victims' voices. This serves to portray the role of the military and landowners: in the persecution of community members; in the expropriation and destruction of all of their possessions; in the loss of the women's husbands when they were captured; in the rape of the women, which was evidently used as a method of warfare enforced by the chain of command; in the routines of domestic and sexual slavery; in the destruction of any and all forms of survival for the women and their children beyond strict subjection to the orders of the barracks; and in the weight of compulsory service to provide "recreation" and "relaxation" at the barracks of Sepur Zarco for soldiers who constantly rotated through. It is dramatic to read of the tremendous and destructive physical and moral burden that was mercilessly placed on the women of Sepur Zarco.

Luz Méndez and Amanda Carrera also thoroughly expose the innumerable consequences of these women's sufferings at the Sepur Zarco barracks; consequences for both themselves and their children, as well as for the life of their communities and for the community pattern of existence itself, given women's assigned role in maintaining it. This role was openly and deliberately attacked, and with it, the center of gravity of the reproduction of social life. Put in terms used by the author of this prologue in other texts: the synthesis of all that is reported shows that the "method of desecration" of values and of people was one of the strategies most consistently employed by state forces against the indigenous population. The desecration of the female figure emerges as central to this choreography of oppression and violence.

It remains to be seen whether the Guatemalan nation will respond to the clamor for justice and reparations for these women. In fact, the women have not relinquished their claim, which they brought before the Tribunal of Conscience for Women Survivors of Sexual Violence during the Armed Conflict in 2010, as well as in the criminal charges they presented to the state justice system. Now they expect to recover their dignity by means of a legal judgment recognizing their truth.

Two decades after Sepur Zarco, private security guards from the Guatemalan Nickel Company and members of the Guatemalan National Police and the army perpetrated a brutal invasion of Lote Ocho. The inhabitants of the ancestral Maya Q'eqchí lands were evicted by force, extrajudicially. The attackers encountered women alone, tending the land, and proceeded with great force, burning

down the women's houses, destroying their property, stealing their food, looting, and committing brutal gang rapes of the women, including pregnant women, in front of their children, which resulted in consequent physical, moral and psychological harm. The text written by Luz Mendez and Amanda Carrera presents a precise analysis of these consequences, and of the dual victimization of the women who suffered these crimes as well as of the consequences for the children who witnessed the terrible events.

I want to underline the importance Luz and Amanda's text gives to the testimonies, which suggest a relationship between rape and land dispossession, and which offers a detailed account of the paths that women considered and rejected in their quest for justice, before they turned to the Canadian justice system (the Guatemalan nickel company was a subsidiary of a Canadian mining company) which accepted their case. In the final section, the authors also indicate a possible future for community justice, which from now on should include women's discourse and be sensitive to their demands.

The merits of this short, detailed, profound and thoroughly well-informed book are numerous. It has been enlightening and extremely useful to have had it in my hands.

Introduction

This book documents and analyzes two major episodes of sexual violence against Guatemalan women from the Q'eqchí people, and the women's struggles to achieve justice. The first, at Sepur Zarco, took place in the context of armed conflict. The second, at Lote Ocho, occurred during the current stage of the extension of the extraction-based model in the context of neoliberal globalization. The women survivors of those crimes, through organization and alliances, are undertaking emblematic legal processes to achieve justice, either in national or international legal systems.

This book is the result of research carried out by Equipo de Estudios Comunitarios y Acción Psicosocial (ECAP), as part of a collaborative initiative with Universidad Javeriana and the Instituto de Estudios Regionales of Universidad de Antioquia, from Colombia, with the financial support of the International Development Research Center (IDRC) of Canada. The research focuses on a comparative analysis of the collective strategies employed by indigenous and peasant women to gain access to justice for the sexual violence and other human rights violations they suffered in the context of armed conflict and transition in Colombia and Guatemala. Special attention is given to the contextual conditions that led to these events.

An initial version of the study carried out in Guatemala was published in the book *El camino por la justicia. Victimización y resistencias de mujeres indígenas y campesinas en Guatemala y Colombia* (Ramírez

Parra, Patricia. Ed.), which incorporates the results of the research conducted in the two countries.

This publication seeks to contribute to women's access to justice for crimes of sexual violence, both past and present. In particular, it aims to reveal the serious acts of violence committed against the courageous Q'eqchí women protagonists of this study, as well as the struggles they have waged in their quest to achieve justice and reparations for these crimes.

Furthermore, the book is a contribution to the efforts undertaken to build the historical memory of women in Guatemala, as victims of violence and many other injustices, as well as in their role as historical subjects working to unveil the truth, achieve justice and develop dignified living conditions for themselves, their families and their communities.

This study contributes to the struggles of women's and human rights movements to eradicate gender-based violence, build relations of equality between women and men, and achieve social justice, democracy and peace in Guatemala.

The conceptualization of the problems analyzed in this book is based on the understanding that Guatemala is a country with multiple profound social inequalities. Therefore, to understand the country's past and present, and to transform it, it is essential to analyze the three major systems of domination that have prevailed in its history: gender oppression, capitalist exploitation, and racism against indigenous peoples. These systems must be analyzed in terms of their complex interaction, since they underpin, influence, and intertwine with each other, and are expressed in the particular living conditions of the population.

As for the main categories and concepts used in this study, violence against women is interpreted as a social structural problem which is both the expression of the system of patriarchal domination[3] and one of the main pillars sustaining it. The Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women, "Convention of Belem do Para," defines this type of violence as "any act or conduct, based on gender, which causes death or physical, sexual or psychological harm or suffering

3. According to feminist theory, the patriarchal system is a form of social organization based on the domination of women by men, and it is one of the fundamental power structures in society. Being a specific form of oppression, it is articulated with and linked to other systems of domination in each concrete social formation, and across all social classes and ethnic groups.

to women, whether in the public or the private sphere" (OAS, 1994: Art. 1).

Under the patriarchal system, rape represents a synthesis of male supremacy and the inferiorization of women. Its main objective is not pleasure, nor is it the result of man's genetic predisposition, but it is a demonstration of power. Moreover, rape has been a tool of domination throughout history, impacting not only its direct victims, but the entire female population (Brownmiller, 1975), limiting their possibilities of access to education, employment, social and political participation, and recreation and leisure.

Access to justice is a fundamental human right associated with the state's obligation to provide a public service, as well as to facilitate the exercise of this right. Therefore, access to justice must be guaranteed by state institutions, without distinction of any kind (Facio, 2002: 87).

As a result of the struggles lead by international and national feminist movements, significant progress has been made to develop legal and political instruments to facilitate women's access to justice. These instruments characterize violence against women as a form of discrimination, a human rights violation, and a crime. Of particular importance is the Rome Statute of the International Criminal Court, pursuant to which rape, forced pregnancy, sexual slavery, and any other form of sexual violence may constitute crimes against humanity, acts of torture, war crimes, and acts of genocide.

This book is the result of an action research process that lasted two and a half years. The qualitative methodologies used enabled in-depth documentation of the phenomena analyzed here. During the investigation, two case studies were conducted, consisting of 54 individual interviews and two focus groups with women victims of sexual violence from the communities of Sepur Zarco and Lote Ocho; four individual interviews and five group interviews with peasant leaders from communities in El Estor and Panzós; and seven individual interviews with members and leaders of social organizations at the local, national and international levels. Literal quotations have also been included from seven interviews with women from Sepur Zarco in 2006, as part of the research carried out by ECAP and UNAMG in the framework of the Consorcio Actoras de Cambio.

This study assigns a central role to the women who were the protagonists of the investigation. This involves highlighting their experiences and their interpretations of these experiences. So the

voices of the Q'eqchí women resonate throughout this book by way of their testimonies, opinions, and proposals, in their own words.

The research, which involved collaboration between Guatemala and Colombia, strengthened mutual learning processes, both among researchers and among the women participating in the research process. For the researchers, this enabled joint reflection on conceptual aspects and methodologies of the research. For the women participants, the International Experience Sharing Encounter between indigenous and peasant women from Colombia and Guatemala, held in Valledupar in 2013, was an enriching experience which contributed to their empowerment processes.

During the research, conditions were created that allowed the protagonists to freely and confidently express themselves, as the interviews and other activities were conducted in their Q'eqchí language and translated into Spanish. The contribution of the translators, young indigenous women from the same linguistic group, who have accompanied the victims for long periods, was invaluable for this purpose.

In this research, particular emphasis was given to the ethical commitment to protect the safety of the protagonists, as well as that of the research team. For that purpose, measures were taken to ensure that information was collected under conditions of safety and confidentiality, to protect the identity of victims and to secure the information collected. For that reason, pseudonyms and codes are used to identify the women in this book.

The book consists of seven chapters. The first analyzes the social context, including relevant aspects of the current situation at the national level, as well as the particular historical circumstances in which the acts of sexual violence against women were committed. Chapter II details historical events relevant both to the processes of oppression and sexual violence against indigenous women, and to their resistance and struggles for emancipation. Chapter III explains who the protagonists of this study are, in their space and time.

Chapters IV and V contain the core of the study. Chapter IV focuses on the women of Sepur Zarco, and Chapter V on the women of Lote Ocho. Both chapters are organized into two sections. The first documents human rights violations against women and their communities, and the physical, psychosocial, material, and cultural consequences. It also includes a reflection intended to

analyze and understand the interaction between the multiple oppressive systems that underlie the causes of such grave acts of violence. The second section documents and analyzes the women's struggles to achieve justice, including the significance they attribute to these struggles, their priorities and strategies, and the obstacles they face.

Chapter VI focuses on community justice, and how the women members of the Sepur Zarco and Lote Ocho groups perceive and think about it. Finally, Chapter VII contains the main conclusions and findings of the investigation.

Chapter I
The Social Context

This chapter consists of two parts. The first examines elements related to the current context that are relevant to the struggles for justice of the Q'eqchí women who are the main focus of this study. The second part concentrates on the two specific contexts in which the episodes of sexual violence addressed in this book took place.

The current context

The Peace Accords, signed between 1991 and 1996 by the Government of Guatemala and Unidad Revolucionaria Nacional Guatemalteca (URNG), contributed significantly to the empowerment of women and indigenous peoples as social actors. In the Peace Accords, the state undertook commitments to promote the elimination of discrimination against women, to create specific institutions, and to adopt economic, political and social measures for gender equality. At the same time, Guatemala was recognized for the first time as a multi-ethnic, multicultural and multilingual country, and it was agreed that policies and institutions would be created to eradicate oppression and discrimination against indigenous peoples. However, the government soon supplanted the Peace Accords with the neoliberal agenda, thus truncating the accords' most significant commitments.

The unjust structure of land ownership and tenure remains one of the major social problems in Guatemala. Currently 57% of the land belongs to 2% of the owners. At the other extreme, 3% of the land belongs to 45% of the owners (Instituto Nacional de Estadística, 2004). For women the situation is much worse, since 84% of the land belongs to men and 16% to women (INE & SEPREM, 2007).

Since the mid-nineties, the extractive model has been deepened in Guatemala in the context of neoliberal globalization[4]. Transnational and national companies have been expanding biofuel production and open-pit mining for export. With the growth of the extractive model, the interests of the transnational capital and the local economic elite merged; this is reflected in the government's advocacy for and promotion of mining and agribusiness. In 1997, the law on mining was amended, reducing royalties[5] from 6% to 1% for the exploitation of non-renewable natural resources. This has resulted in the rapid growth of the mining industry, with an annual growth rate of 18.9% between 2002 and 2012, while the GDP has grown at an annual rate of 2.4%. Nickel has been the fastest growing product, with an annual growth rate of 164.4%[6].

This is part of the "extractive offensive" that is taking place in Latin America, which is characterized by the "rapid advance of expropriation, commercialization and depredation of natural common assets in the region, as a strategy of capital in the context of the global crisis of accumulation" (José Seoane, 2012, cited in Merchand, 2013, p. 114).

In Guatemala the extractive offensive has resulted in a new phase of land dispossession; in this context, community organization and mobilization have become particularly relevant for the

4. The extractive model is a way of organizing the economy, based on a high dependency of intensive extraction of natural resources, with minimal processing or added value, for export. In Guatemala the primary-export-led model never ended completely, as the attempt to promote an industrialization policy beggining in the mid forties, was basically truncated. So commodities such as banana, sugar cane and cardamom continued being exported. However, a new phase of the extractive model began in the mid-nineties, strengthened by the neoliberal globalization context. This took place after the end of the armed conflict in Guatemala. Once the country was free of war, the government put in practice strong state neoliberal policies.

5. Payments to the state for the use or extraction of natural resources.

6. Estimates based on data from the Banco de Guatemala available at: www.banguat.gob.gt/inc/ver.asp?id=/estaeco/comercio/sercom/2_POR_PRODUCTO/X_PROD_1994_2013.htm

defense of land and territory[7]. Regarding these struggles, "their best known exponents have been community consultations in good faith and municipal consultations developed since 2005" (Bastos & De León, 2014: 11). However, female and male community leaders, mostly indigenous, face increasing criminalization and repression.

Delinquency and insecurity are part of the most serious problems that exist in the country, especially in urban areas. Drug trafficking and gangs are particular sources of criminal violence. The growing militarization of citizen security has exacerbated the situation and led to an increase in human rights violations.

Other major problems are impunity and corruption, based in powerful networks of criminal groups and organized crime that have taken root in the security and justice systems.

Despite this context, progress has been made in some institutions to address impunity for gender crimes; examples include the creation of specialized courts for femicide and other forms of violence against women, in the Judiciary, as well as the Prosecution Offices for violence against women at the Attorney General's Office. In addition, the International Commission against Impunity in Guatemala (CICIG)[8] is working to eradicate parallel powers embedded in the security and justice institutions.

During recent years, social struggles that aim to end impunity for serious crimes committed during the armed conflict have been strengthened. In 2013, a national court found the former head of state, General Efraín Ríos Montt, guilty of genocide and crimes against humanity against the Ixil people. Although the ruling was illegally overturned, the trial, which as of this writing is not yet over, opened a window to truth and justice and put an end to the assurance of immunity and impunity for the economic, political and military elites (Méndez, 2013). It is important to highlight that the Peace Accords prohibit the extinction of criminal responsibility for crimes committed during the armed conflict with no statute

7. The territory is not only a porcion of land, but a space socially constructed. The territory is a network that articulates physical components and socio-historic processes. It is a scenario made by ecological and population dynamics, all interconected with the context. (Sosa, 2012: 7-17)

8. CICIG was created through an agreement between the Guatemalan Government and the UN, signed on December 12th, 2006. Its mandate is to contribute to the eradication of illegal groups and to promote the strengthening of the security and justice system.

of limitation, according to domestic law and international treaties ratified by Guatemala[9].

Violence against women has increased in all its forms in recent years, and is the most frequently reported crime at the security and justice departments. Between 2001 and 2012 the violent deaths of women increased annually by 7%; extreme forms of violence against women also expanded. Along with the structural causes rooted in the patriarchal system, the current context of violence and insecurity maximizes gender-based violence (Méndez Gutiérrez, 2013: 27).

One of the main rallying cries of the feminist movement has been the eradication of violence against women. The strategies that have been promoted include: the strengthening of women's role as a social subject; state reform leading to the creation of new laws and institutions to promote women's rights; and direct support for victims of gender-based violence. This has contributed to the empowerment of women and has led to an understanding of violence against women as a human rights violation. As Estela Maaz explains:

> There are now things that didn't exist before. For example, they say on the radio that violence shouldn't be committed against women, that women shouldn't be beaten. There are many laws and women's organizations. These are not times for women to be suffering. On the radio they tell you where to go if a woman is beaten, but it is the organizations that have contributed significantly to helping women (SZ-09, interview, May 18, 2012).

A significant current feature is the increasing role of indigenous women. They have formed Maya, Xinca and Garífuna women's organizations in order to claim their rights as women and indigenous peoples. Contributions to knowledge by female indigenous scholars have allowed for a deeper analysis of the ways the multiple systems of domination interact and have an impact on the social conditions of indigenous women and their emancipation processes. This is how Aura Cumes has analyzed this topic (2012: 1):

> Indigenous women have had experience of domination in many forms, which represents a challenge to the monistic understanding of the social structure based on patriarchy, ethnic dominance or social class. They are questioning an oppressive and interconnected world system. This condition allows them to contribute to the con-

9. This includes war crimes, crimes against humanity and genocide.

> struction of collective subjects who are not absorbed in ethnicity, gender or social class, but who are creators of new, liberating ways of life that transcend unilateral views of emancipation processes.

In short, the current social context of Guatemala includes several key elements which shape Q'eqchí women's struggle for justice. Centuries old inequalities and contestations over access to land have been exacerbated by the "extractive offensive" which started in the mid-90s, and has led to increased land dispossession. Rises in drug trafficking and militarization have eroded human security and created higher levels of violence against women. The struggles by the women's and human rights movements have led to the creation of laws and organizations aimed at women's empowerment, as well as advancements in the search of justice for war crimes.

Having explored the developments/social context that have made possible Q'eqchí women's struggle to find justice for the sexual violence at Sepur Zarco and Lote Ocho, in the next section we turn to the historical contexts where these human rights violations occurred.

Historical contexts of the two episodes of sexual violence analyzed in this book

The Armed Conflict

The acts of sexual violence against the Q'eqchí women of Sepur Zarco were committed in the context of the armed conflict in Guatemala, which lasted from 1980 to 1996. The armed conflict was the result of the acute inequality in the distribution of land, wealth, and income, as well as pervasive social and political exclusion. An agrarian structure with large concentrations of land in the hands of a small number of landowners was established during the Spanish colonization. In the years since, land tenure was correlated with the political system, which was monopolized by the landowning oligarchy through dictatorships and military governments.

The October Revolution[10] began in 1944, leading to profound transformations in the economic, political and social systems. In the economic field, the core element was land reform aimed at reversing the extreme concentration of land in the hands of a small number of owners, benefiting five hundred thousand people (Guerra Borges, Alfredo, 2006: 65). The two governments democratically elected during that period also developed education, health services, and the social security system. Strategic infrastructure projects were begun, which were intended to promote socioeconomic development and the economic independence of the country. The climate of democratic freedom fostered social organization and a flourishing of the arts.

Ten years later, land reform and other social transformations were truncated by the United States' intervention, in partnership with the national oligarchy. Political power was handed over to the military. Repression prevailed in the country. Lands were taken away from the peasants and returned to the former large landowners. Progressive political parties, as well as trade unions, peasant and women's organizations, were outlawed, while their leaders were murdered, imprisoned, or forced into exile.

A few years later, leftist organizations started using armed struggle as the primary means to take power and realize socioeconomic and political transformation. The war began in 1960 and lasted for 36 years. In the nineteen seventies, revolutionary organizations included in their political agenda the eradication of racism against indigenous peoples, and this led to the incorporation of major contingents of indigenous peoples into their organizations. In the early nineteen eighties, insurgent organizations intensified guerrilla warfare in rural areas. In 1982, the four revolutionary organizations merged, forming the Unidad Revolucionaria Nacional Guatemalteca (URNG)[11].

The state's counterinsugency policy, defending the interests of the dominant classes, aimed to annihilate the revolutionary movement. At its initial stage, repression was directed towards leaders of social organizations and opposition political parties in urban

10. Thus named because of the month in which the uprising that ended the fourteen-year dictatorship took place, marking the beginning of the revolutionary period.

11. URNG was made of Ejército Guerrillero de los Pobres (EGP), Fuerzas Armadas Rebeldes (FAR), Organización del pueblo en armas (ORPA) and Partido Guatemalteco del Trabajo (PGT).

areas. Then, between 1982 and 1983, General Efraín Ríos Montt's de facto government began the implementation of the scorched earth strategy in rural areas[12]; this came under the ideological umbrella of the fight against communism in the international context of the Cold War. The armed conflict was a peak stage in the class struggle in Guatemala.

In 1999, the Commission for Historical Clarification (CEH, 1999)[13] concluded that 93% of human rights violations committed during the armed conflict were perpetrated by state forces, 3% by insurgent organizations, and 4% by unidentified perpetrators.

Furthermore, the CEH revealed that state agents committed genocide against Mayan peoples as part of counterinsurgency operations carried out between 1981 and 1982. The fact that indigenous peoples had become protagonists of their own history, and were massively involved in politics through revolutionary organizations, triggered a drive for extermination at the core of dominant political power groups (Casaus, Marta Elena, 2008: 57)[14]. The racist ideology within the oligarchy and the high command of the army turned the fight against the insurgency into a brutal repression of indigenous communities that were part of the civilian population. That is how the armed conflict became one of the most extreme periods of racism against indigenous peoples in Guatemalan history.

The armed conflict was also a scenario in which unequal gender relations were made evident. On the one hand, women played leading roles in different areas during this historical stage. On the other hand, rape, sexual violence, and other forms of violence against women intensified during the war.

During the nineteen seventies social mobilization against political repression and in favor of democratic freedom, women participated actively in student organizations, trade unions, and peasant and local community organizations. Many women also joined the revolutionary movement, convinced of the need to end class inequalities.

---

12. See *Guatemala Memory of Silence. Report of the Commission for Historical Clarification* .

13. The Comission for Historical Clarification (Spanish: *Comisión para el Esclarecimiento Histórico,* or CEH), was the truth commission created in Guatemala as a mandate of the Peace Accords, and with support of the United Nations.

14. The toll of this was: more than 200,000 people killed or dissappeared, 626 massacred villages, and more than 1.5 million of refugees and internally displaced persons between 1978 and 1983 (Casaus, Marta Elena, 2008: 57)

During the nineteen seventies and eighties, women, mainly young and indigenous women, joined the insurgent organizations. They played many different roles, including: they participated as combatants; they were responsible for providing political education, medical services, communications, and logistics; they were members of groups responsible for media broadcasts, through clandestine radio stations and written press; and they were part of international representation offices. However, women were underrepresented in the governing bodies of all of the revolutionary organizations.

In the nineteen nineties, women leaders of widows organizations, organizations of relatives of missing persons, and other human rights groups contributed to the advancement of the peace talks. During the negotiations, women strengthened by gender awareness had an impact on the Peace Accords, either through the Civil Society Assembly or directly at the negotiating table[15]. This led to the incorporation of sections related to gender equality into several of the Peace Accords, an approach that had been absent from this type of political instrument.

As for the effects of the conflict, the CEH reported that under the state's counterinsurgency policy, women were victims of the same forms of political violence as men were. In addition, they were also subject to specific forms of sexual violence directed primarily towards women, which included rape, sexual slavery, abortions, forced pregnancies, and other atrocities[16].

Three major findings can be extracted from the CEH report: 1) rape was a widespread, massive and systematic practice carried out by state agents in the framework of counterinsurgency; 2) such violence was not the result of isolated incidents but part of a strategic plan; and 3) the rape of indigenous women, who represented 89% of the victims, was an essential element of the genocide committed against Mayan peoples.

Furthermore, analyzing the statistics on rape registered in the CEH report, it was found that 99% were perpetrated by state agents and 1% by members of insurgent groups (Consorcio Actoras de Cambio, 2006: 32).

15. It is important to emphasize that women were acutely underrepresented at the peace table.

16. The CEH itself acknowledged that sexual violence was under-registered in its report.

Rape was used as a weapon of war in the state's policy. It was indiscriminately perpetrated against women in the communities that were identified by the army as targets of the counterinsurgency. Women, who were part of the civilian population, were raped systematically, in a widespread manner, and with extreme cruelty. Through rape, the army sought to disrupt the morale of the communities in order to inhibit their support for the insurgency.

For Mayan women, the army's genocidal tactics brought unimaginable forms of sexual violence. The perpetrators attacked women's sexual and reproductive organs with particular brutality[17]. Many of the women were later murdered during the massacres. The elimination of indigenous women was intended to destroy the bearers of the next generation of a group that had been classified as an enemy of the state. The women were attacked for being the mothers of the future rebel indians (Velásquez, Irma Alicia, 2010: 125).

The atrocities committed against women during the war cannot be fully explained by only taking into account genocidal and counterinsurgent objectives. It is essential to incorporate into this analysis the role of the patriarchal system, where the main root causes of violence against women lie. The articulation of gender, class and ethnic systems of oppression, in the context of the armed conflict, was synthesized in women's bodies through rape and other forms of sexual violence, resulting in one of the most ominous chapters of violence against women in Guatemala's history. This topic is covered in more depth in Chapter IV of this study[18].

Land dispossession in the Polochic Valley

The Polochic Valley is an area located in northeastern Guatemala. This valley has considerable natural wealth: fertile land, forests, a

17. The rape of women at advanced stages of pregnancy was common; they were killed by being struck in the womb and their fetuses were torn out and destroyed. In some cases women were impaled. Often, after raping and murdering the women, the perpetrators displayed their naked bodies with mutilated breasts and genitals. See: *Commission for Historical Clarification (1999)* and ODHA. Human Rights Office of the Archdiocese of Guatemala (1998)

18. For further analysis of sexual violence against women during the armed conflict, see: Fulchiron, Amandine; Paz, Olga & López, Angélica (2009); Montes, Laura (2006); and Diez, Andrea (2006).

subsurface with a variety of minerals, large rivers and the country's largest lake, Lake Izabal. The valley, located along the Polochic River, includes the municipalities of Tamahú, Senahú, Tucurú, Panzós and La Tinta in the department of Alta Verapaz, and El Estor, in the department of Izabal.

Historical background

The acts of sexual violence against the Q'eqchí women of Lote Ocho must be understood within the context of the long history of land dispossession in the Polochic Valley, starting in the 15th century. With the resistance of the Q'eqchí people, whom the conquerors could not subjugate, the Spanish Crown gave responsibility for the region to the religious order of the Dominicans, who concentrated the indigenous population into small groups, known as reductions, to work and pay taxes. This was the first major land dispossession suffered by the Q'eqchí people, since they were ordered to leave their villages and were subjected to labor exploitation and taxation, with the constant possibility of military power being used against them when considered necessary by the ecclesiastical institution.

A second land dispossession process began in 1871 when the Liberal Reform government declared that Q'eqchí communal lands were vacant lots to be used by German immigrants who established large coffee plantations for export. This led to profound changes for indigenous people, who were forced to work on the coffee farms as tenant farmers, providing their labor in exchange for the right to live and grow on the farms. Many of the current historical land claims in the region are based on these injustices.

The Polochic Valley is part of the Franja Transversal del Norte, or FTN (Northern Transversal Strip)[19], which developed as a government land settlement project to cover peasant demands for land[20]. This project was annulled when powerful economic and political groups found that the FTN holds invaluable natural re-

19. The FTN covers the northern part of the departments of Huehuetenango, El Quiché, Alta Verapaz and Izabal.

20. In the mid-sixties, peasant populations moved to the FTN, "seeking to have their own farmland in order to no longer rely on daily wage labor in the large plantations" (Solano, Luis, 2007; 1).

sources. It then became an area of large estates in the hands of the military, large landowners and transnational companies, which monopolized the land by using supplementary ownership titles, thus perpetrating new dispossession against peasants (Batres, Rodrigo, et al, 2012: 13).

Current development of the extractive model

The extractive model is growing at an accelerated pace, in the context of neoliberal globalization, in the Polochic Valley. This includes mega-investments of various kinds, particularly in open-pit mineral mining, the widespread production of agrofuels –using African palm and sugar cane– and hydroelectric projects.

It is a model that is being imposed largely through land dispossession, without taking into account the decisions of the indigenous communities that live there. Extractive companies are violating human rights, including through sexual violence and environmental damage, and social unrest is growing. This conflict is the result of extractive projects that the communities oppose "...not only due to the projects' impact, but also because they are being imposed on them without taking into account their ancestral rights on land and territory" (Gomez Grijalva, Francisca, 2013: 42).

The growth of the extractive model has led to the re-concentration of land in the Polochic Valley. According to Laura Hurtado (2008: 335, 345), this process of re-concentration is occurring through various mechanisms. It may include legal proceedings for the purchase and sale of land, but land grabbing is also on the increase, as well as the illicit appropriation of land, including actions such as deception, coercion, threats and theft.

Debt incurred by peasants is one of the forms of coercion that forces them into selling small family plots to which, in many cases, they have only recently obtained title. An immediate effect is that peasant families have reduced possibilities of having land available for the production of basic grains, such as corn and beans, for subsistence.

Moreover, the expansion of biofuel production and mining has eliminated the option of renting land, and also eliminated access to the mountains, which are where Q'eqchí families would collect food or perform other economic activities such as hunting and various other cultural practices (Batres *et al*, 2012: 6).

Resistance and struggles of the Q'eqchí people

The Polochic Valley has been a place of long line peasant struggles. Given the history of land dispossession and economic subjugation, the Q'eqchí people have developed many forms of resistance and engaged in many struggles to defend their lands and to defend themselves against economic exploitation.

With the widespread expulsion of tenant farmers from coffee farms in the nineteen sixties, Q'eqchí communities began creating Land Committees. This led to significant peasant organization and mobilization processes in the region. The Committees negotiated with the National Institute for Agrarian Transformation in order to obtain title to the land, receiving legal advice from trade union organizations[21].

To curb the growth of peasant organization and mobilization, the landowners took advantage of their close ties to the military. As a result, the army unleashed a wave of repression that reached its peak with the massacre of Panzós[22]. "After the massacre, the Army began implementing acts of selective repression against community leaders who claimed lands in the Polochic Valley and also against Mayan priests" (CEH, 1999, Volume IV: 19).

Between the nineteen sixties and eighties, Q'eqchí peasant groups, including women and men, joined revolutionary organizations that were active in the region at different periods. This led to their participation in political education on inequality in the agrarian structure and the causes of economic exploitation on the farms, and contributed to strengthening peasant community organization and their struggles for land.

In the context of the subsequent land dispossession, the Q'eqchí people have used two mechanisms for resistance and struggle: land occupation and displacement. Displacement has had two aspects. Firstly, it has been forced on the people due to constant expulsions

21. The Q'eqchí communities received advice and support from a trade union federation (Federación Autónoma Sindical de Guatemala, FASGUA), the Workers Union of the San Carlos University of Guatemala, and the Legal Aid Office of the same university.

22. On May 29, 1978, hundreds of Q'eqchí peasants marched from several villages to the municipal capital of Panzós in order to present a document with their land claims to the mayor. Upon reaching the square, the peasants were fired on by an army contingent. Dozens of people died in the attack and others drowned in the Polochic River while escaping. This massacre had a great impact on the Polochic Valley and across the whole country.

from their land; secondly, it has also been a mechanism for people to free themselves from economic exploitation. As a result of this displacement, the map of original settlements of the Q'eqchí people in the Alta Verapaz highlands has spread for hundreds of kilometers towards the lowlands (Grandia, Liza, 2009: 43).

Chapter II
Indigenous women: oppression and emancipation

Land dispossession-rape: a recurring dyad throughout history

Land dispossession and the rape of indigenous women has been a recurring dyad in the history of Guatemala. In the Q'eqchí region, the rape of women has been a tool used for a number of purposes related to the struggle over land: to generate fear during the continuous rebellions and riots throughout the colonial period; to demonstrate the power of the colonizers and large-scale farmers; to eradicate the struggles of communities for access to land; and to annul the political action of women in current times.

Women's history has not been written until very recently, and it has therefore been difficult to document the extent of violence against indigenous women in colonial times. However, this history is gradually being revealed.

The human tragedy of the European invasion in the late fifteenth century, which included the "greatest land theft and greatest forms of exploitation in the history of the country" (Castellanos, Julio, 2004: 97), was accompanied by particular forms of violence against the women inhabiting these territories. Interpretation of this historical period shows how land dispossession in the communities and the rape of women went hand-in-hand, in the context of the longstanding patriarchal system and the developing colonial regime.

Women were subjugated and enslaved to provide the colonizers with labor and a number of other services, including sexual ones. When the colonizers needed more labor, they imposed mechanisms on women to speed up reproduction, for example through a decree for women to marry at a younger age.

The rape of indigenous women is at the basis of the racial intermingling process during the colonial era. Severo Martínez (1990: 262-264) explains that during the early years of the conquest, the extremely violent abduction and rape of indigenous women was very common. Then, until women from the Iberian Peninsula arrived, the Spanish built temporary housing where they took indigenous women as concubines who were forced to provide domestic and sexual services. Subsequently, once the bonded labor system was established, landowners repeatedly used indigenous women sexually, including imposition of the "droit du seigneur". The author emphasizes that the cohabitation of Spaniard men and indigenous women was developed outside of marriage and was "a peculiar facet of colonial oppression".

During the Liberal Reform period, as a result of the system of exploitation on coffee export plantations, profound changes occurred in the living conditions of Q'eqchí women in the Polochic Valley. These women were subjected to confinement and particular forms of economic exploitation, as they were forced to work as servants, pickers, wet nurses, and nannies. They were also raped by landowners and foremen.

On the farms, many women worked in coffee bean selection, which required delicate technical skill. Girls were also exploited and began to work on farms at an early age, as part of the family, mainly in coffee picking. However, women were not recognized as workers.

Q'eqchí women today have countless stories of their ancestors on coffee farms in the region, which attest to the fact that women were not only subjected to forced labor, but also to rape. Greg Grandin (2007: 52) synthesizes this as follows: "Life on the farms depended as much on violations and sex as on forced labor".

In current times, with the extension of the extraction-based model, one priority for Q'eqchí women in the Polochic Valley is to avoid being dispossessed of their land by national and transnational companies. This has placed them at the front lines as targets of the violence unleashed by these companies to expel those living on the disputed land. During the evictions, women have suffered

the most harm because they have not only faced the destruction of their homes, food and other belongings, but they have also suffered rape, as documented later in this study.

Feminist organizations participating in the struggle to defend the territories have denounced the extractive model, particularly for the impact of sexual violence on women's lives. At the same time, together with other Latin American organizations, an interpretive and political approach is being developed that focuses on women's bodies as the first territory to be defended.

Lorena Cabnal (2010), of the Association of Indigenous Women of Santa María Xalapán, Jalapa, says that Xinka women are fighting both for territorial defense against mining and for the eradication of violence against women, claiming that defense of land without the defense of women against sexual violence is incongruous.

Resistance and rebellion

Women have been invisible as historical subjects, despite having participated in large and small events throughout the history of humanity (Scott, Joan, 1996: 301). In Guatemala, only recently has it begun to emerge that indigenous women throughout history have been involved as protagonists in numerous processes of resistance and rebellion in order to free themselves from the multiple oppressions in their lives. According to Emma Chirix (2013: 143), "Indigenous women have not been passive victims of class, patriarchal and racial domination. They have exercised their power, continuously facing up to the Spanish *encomenderos* and *habilitadores*, as well as local ladino[23] officials, and the indigenous and ladino army."

Severo Martínez (2011: 151-152) explains that during the colonial regime, women were leaders in a large number of uprisings and indigenous acts of rebellion. Furthermore, many riots were initiated or led by women such as Micaela Pérez of Comalapa, or Francisca Ixcaptá of Santa Catarina Ixtahuacán. The latter, in 1814: "(...) stirred the people up against the justices, confronting them in the riot (...). She was captured and managed to escape (...). Upon

23. Mestizo

returning, she led an assault on the prison to free the prisoners, including her husband".

By the end of the armed conflict, after the massacre committed by the army on December 2, 1990, Tz'utujil women from Santiago Atitlán played a central role in community organization, managing to close down the military base, and expel the army from their town (Acevedo, Saríah, 2011: 225).

Nowadays, there are many indigenous and mestizo women who have a massive presence and who have been at the forefront of community movements to defend their territory against the transnational and national extraction companies that are robbing the communities of their heritage through projects that are harmful to humans and the environment. Two examples that stand out in these struggles: Crisanta Pérez and the Mam women, in their resistance to the Marlin mine in San Miguel Ixtahuacán, San Marcos; and Hermelinda Simón and the Q'anjobal women, in their defense of water against the imposition of a hydroelectric plant in Santa Elena Barillas, Huehuetenango.

Because of land seizures by biofuel and mining companies, the regularization of land tenure has become a priority for peasant women. Moreover, in several regions of the country, women have opposed the sale of their property, although decisions about land sales are usually unilaterally taken by the husband. In Ixcán, for example, Q'eqchí women undertook collective action to oppose the sale of their plots of land.

However, despite the massive presence of women in the defense of territory, the impact of land dispossession on women as a result of the multiple oppressions in their lives is hardly visible in these social movements. Regarding the participation of indigenous women in emancipation movements, Aura Cumes (2012: 13) states: "While women have great strength in these movements, it is a difficult place to speak out about oppression of women and ways to solve it because the experience, word and authority of men or male authority always come first".

The legacy of Mamá Maquín

Adelina Caal, a Q'eqchí woman known as Mamá Maquín, is a legendary character because of her struggles for land and against economic exploitation. She was born in 1915 and moved from

Carchá to the Polochic Valley with her family in search of land, obtaining a plot of land on the farm of La Soledad, Panzós.

In Panzós, Mamá Maquín developed a strong leadership role in peasant mobilizations for land, while promoting the organizing of women and their participation in these struggles. She also promoted Q'eqchí cultural activities. For these reasons, she enjoyed recognition as a leader in the peasant communities of the region. On May 29, 1978, Adelina Caal led the march that ended with the Panzós massacre committed by the army, in which she lost her life[24].

In affirming women's participation in the struggle for land, Manuela Tzi, a Q'eqchí woman from Panzós, recalls the example of Mamá Maquín.

> It's not only the men who have participated in this struggle. Men have the same need as women [for land]. The closest example is that of Adelina Maquín. She was enthusiastic about the struggle. She led a march to demand land (…) (Panzós, group interview, May 8, 2012).

An organization of indigenous peasant women, who returned after being refugees in Mexico during the armed conflict, was named after Mamá Maquín to honor her memory. They, together with other organizations, have been pioneers in the struggle for women's right to land ownership and co-ownership.

24. The meaning of this massacre was explained in previous section *Resistance and struggles of the Q'eqchí people.*

Chapter III
The women protagonists of this study in their space and time

The protagonists of the stories told and analyzed in this study are Maya Q'eqchí women, peasants who have all undergone similar experiences of sexual violence and other serious human rights violations in the past or present. They also share a determination to achieve justice for these crimes. In an organized way and as part of alliances, they are participating in legal proceedings, either under the national justice system or the international justice framework, which, because of their significance, are emblematic political and legal actions.

They are part of two groups of women who live and work in the same territory: the Polochic Valley. Thus, although the two groups are from different generations, they have a common historical memory, which has been orally transmitted to them by their ancestors. They also share the same current socio-political context in the region.

One group lives in the community known as Lote Ocho, or Chacpaylá, which is located in the area between the municipalities of Panzós and El Estor, to the northwest of Lake Izabal. The members of the other group live in the community of Sepur Zarco and other surrounding communities to the southwest of the

lake. Sepur Zarco is currently part of El Estor, but has historically been linked to the political and social dynamics of Panzós[25].

Twenty-five years separate the episodes of violence against the women of Sepur Zarco and Lote Ocho. The violence against the women of Sepur Zarco was committed between 1982 and 1988, in the context of the armed conflict. The violence against the women of Lote Ocho was perpetrated in 2007, eleven years after the end of the armed conflict, as part of current land evictions promoted by transnational and national extractive companies.

The members of the Sepur Zarco group are now between 58 and 65 years of age. They consider themselves old women and have grown children and grandchildren. The women from Lote Ocho are between 25 and 38 years of age. On average, they each have five children, many of whom are very young.

Most of the women cannot read or write. Only a few, the younger ones, have had access to some primary education. Their native language is Q'eqchí. While some can also express themselves in Spanish, their determination to speak only in their own language is a distinctive feature of the Q'eqchí people, which has great historical significance.

The women in the two groups live in conditions of poverty or extreme poverty, and have personal experiences of forced displacement in their own territories. Their life stories are profoundly related to the continued dispossession of the Q'eqchí people and their constant search for new lands on which to grow crops and live.

Both the women from Sepur Zarco and Lote Ocho share a strong awareness of their right to land and the conviction that they must fight for these rights to be respected. This is permeated by a sense of historical legitimacy, but it is also a means for economic and cultural survival.

On the lands where they live and work, the women from both groups sow basic grains and vegetables and raise domestic animals to support the family. The women from Lote Ocho also produce cardamom on a small scale, using the proceeds to buy clothing and medicine. Their working hours in the field are shared with their

25. Apparently the territorial boundaries of Sepur Zarco changed, since until the nineteen seventies it was considered to be part of Panzós, Alta Verapaz, according to the records of the Instituto Nacional de Transformación Agraria. However, the Instituto Geográfico Nacional has now established that this community is part of El Estor, Izabal (Laura Hurtado, written communication, July 24, 2013).

spouses. They simultaneously carry out a range of activities related to housework or unpaid reproductive activities that are undertaken only by the women or shared with their oldest daughters, if they have one.

The interweaving of oppression based on gender, class, and ethnicity has been a determining factor in the lives of the women in both groups. Land dispossession, economic exploitation, patriarchal and racial oppression, and sexual violence have had an impact on the social conditions of the women from Sepur Zarco and Lote Ocho.

Geographical location of communities Sepur Zarco and Lote Ocho on the Guatemalan map. Author's elaboration based on geophysical laboratory maps from Ministerio de Agricultura, Ganadería y Alimentación, Guatemala.

Chapter IV
The Women of Sepur Zarco

I was born under a new moon.
Alicia Tení

Human Rights Violations

The narrative of the facts

Between 1982 and 1988, peasant Q'eqchí women and their families residing in several communities of Panzós and El Estor, in the departments of Alta Verapaz and Izabal, were subjected to a series of human rights violations perpetrated by members of the military as part of the state's counterinsurgency policy during the armed conflict. In the Polochic Valley region, the Commission for Historical Clarification documented thousands of cases of forced disappearance, torture, extrajudicial execution and massacres committed by the army, especially between 1981 and 1983.

The violence in the Polochic Valley was sparked by militarization and by the initiation of counterinsurgency operations. These included permanent army patrols, recruiting men from the communities as military commissioners[26], the organization of Patrullas

26. The military commissioners were agents who were part of the army structure, forming a network with intelligence, control, and repression functions in the communities. They were men who spoke the indigenous language of the community as well as Spanish, facilitating communication with the soldiers. In Sepur Zarco, military commissioners were responsible for causing terror among the women. Several of them have retained political power;since after the signing of the Peace Accords, they participated in political parties formed by the military, such as the Frente Republi-

de Autodefensa Civil Civil -PAC- (Self Defense Patrols)[27], and the deployment of several military detachments. One central element of counterinsurgency operations was the installation of the military detachment of Sepur Zarco on the San Miguel farm, which became a base of operations for tracing people in the mountains, for kidnappings, for torture, and particularly for the rape of women.

In this region the army developed an articulated plan of attacks against non-combatant civilians. The *modus operandi* consisted of a sequence of stages, starting with the kidnapping, torture and forced disappearance of peasant leaders. Then the wives of these men were raped in their homes, in a massive and systematic manner. Afterwards, their homes and belongings were burned and their crops were destroyed. Women who escaped to the mountains to save their lives and integrity were subjected to persecution and repression. Those who remained in the community were forcibly displaced to Sepur Zarco, where they were subjected to sexual and domestic slavery in the military detachment.

Kidnapping, torture and forced disappearance

At the beginning of 1982, in communities near Sepur Zarco, army troops raided the homes of peasant families and kidnapped 18 men who were community leaders and the husbands of the women whose stories are told in this study. About ten years earlier, these peasants had openly and legally organized Land Committees in order to obtain title to the land on which they worked and lived[28]. The children of several of the women were also kidnapped in these military operations. Aurelia Botzoc recalls: "When the soldiers arrived, they began to capture people. They took my husband and two of my sons; one was 18 and the other 15" (SZ-03, interview, May 15, 2012).

The peasants were tortured at home in front of their families. Then they were taken to military detachments set up on neighbor-

cano Guatemalteco (FRG) and the Partido Patriota (PP), which have ruled the country during different periods.

27. The Civil Self-Defense Patrols were made up of men from the communities who were forcibly recruited. Those who refused to participate were subjected to repression, which included death. Patrol members were forced to participate in counterinsurgency actions with the soldiers under the Army hierarchy.

28. Many other men in nearby places were also kidnapped and disappeared.

ing farms, particularly the Tinajas farm, where they were also tortured. The whereabouts of most of them remained unknown. In some cases their bodies were seen on the roads being eaten by predators. In 2012, exhumations were conducted in the Tinajas farm, leading to the discovery of clandestine graves with remains of 57 people.

The Sepur Zarco women identified these violent acts against members of their families as an injustice because their relatives had not committed any crime. "What was my husband's fault when he was killed?" (SZ, focus group, July 17, 2012).

Rape

The women were gang raped multiple times in front of their underage children by the soldiers and officers who broke into their houses. "The soldiers came into my house and my children were afraid when they grabbed me by force and raped me right there" (E9-AV-Q, March 15, 2006). The soldiers continued breaking into the houses at night and raping the women.

The military raped a large number of women in the communities, not only the wives of the peasant leaders. Moreover, in some communities women were summoned by the military commissioners to the church or the school, where they were locked in and raped.

The rapes were perpetrated in an organized manner and according to the military hierarchy. In a group interview, men from Sepur Zarco and surrounding communities stated that "The soldiers felt it was their right to take the women; they organized themselves to rape them". They added that "The lieutenants were the first to go, then the soldiers" (SZ-H, group interview, May 9, 2012).

The soldiers raped women and girls of all ages as well as women in advanced stages of pregnancy or who had just given birth. "I can attest to that, I witnessed it, they even started to rape girls as young as 12 or 13" (Tribunal of Conscience, 2010: 32).

Those women who, after the abduction of their husbands, went to look for them on nearby farms were also raped. Others were kidnapped along with their husbands and taken to the farms where the military detachments were based; there they were raped and subjected to other forms of torture. Paulina Pol, who was captured illegally with her husband and children, relates:

> When I saw my husband hanging, agonizing, I fainted with the impact. With despair, away from my 6 month-old baby, uncertain whether he was alive or not, if they were feeding him or if he was going hungry (SZ-19, interview, June 21, 2012).

Destruction of homes and crops

After the men were kidnapped, soldiers and patrol members burned down their houses, destroyed their plants and crops and other household articles, and then killed the families' domestic animals. Maya Ic states: "They burned down my house, my plants, my coffee, the corn, pigs, animals, everything I had" (SZ-12, interview, May 17, 2012).

After the destruction of their homes and all of their possessions, several of the women had to live outside in the open. For over a year, Mariana Chen had to live with her young children covered only with pieces of plastic tied to a tree (testimony presented at High Risk Criminal Court B of the First Instance, as advance evidence, September 2012).

With the disappearance of their husbands, their own rape, and the destruction of their livelihoods, many women had to flee to the mountains, where they remained for periods of up to six years. However, living conditions were extremely precarious, as they lacked food and shelter. The army persecuted women and families seeking to escape their control, destroying what little they had planted in order to starve them and force them to surrender. In the mountains, several women saw their children die of starvation and disease. Cleotilde Raxjá shared this painful experience:

> (...) a week after my husband was taken and the soldiers raped me, I had to flee to the mountains to hide and I was there for six years, but there was nothing to eat there (…) my two children died of hunger. I had to bury them. There they remained on the mountain (E14-AV-Q, March 2, 2006).

Other women decided to stay with relatives or neighbors during the day and move to the nearby hills at night to prevent the soldiers from raping them.

Forced displacement to Sepur Zarco

Following the kidnapping and forced disappearance of peasant leaders, the army ordered the inhabitants of the communities in the area to leave their homes and move to Sepur Zarco, near the military detachment, where they were subject to strict control. Those who opposed were accused of being guerrillas. "If any of you continue living in this community, it's because you're sinners, guerrillas" (SZ-01, interview, May 14, 2012).

After the kidnapping of their husbands, the women started to be called "widows" by the members of the army. The military commissioners, under threat of death, invoked the power of the law, ordering the widows to move to Sepur Zarco to serve the army in the military detachment. "You have to go and work at the detachment, that's what the law says, the commissioner told me" (SZ-03, interview, May 15, 2012).

Furthermore, women who had fled to the mountains with their children, and who then, overwhelmed by hunger and disease, went back to the communities, were also forcibly displaced to Sepur Zarco.

At Sepur Zarco, women were forced to settle next to the detachment, where they had to build small huts to live in.

> We built a house out of metal sheeting and spent six years there. The military base was right next to where I had my house, made out of five metal sheets, because my children stayed there whilst I cooked food for the military (SZ, March 2, 2006).

Other women, with their children, were placed in houses near the detachment, and the soldiers called them the "widows' houses". Some other women went to live with relatives in Sepur Zarco.

According to the women, the huts that were built next to the detachment looked like chicken coops or kennels. "First I was in a house like a kennel. When the soldiers let us go, we would come here" (SZ-05, interview, May 15, 2012).

Domestic and sexual slavery

At the military detachment of Sepur Zarco, women were forced to perform domestic work without pay, being obliged to prepare food, do the cleaning and wash the soldiers' uniforms. For this they were

organized into three-day shifts under the strict control of the military commissioners.

There were two stages in the system of domestic slavery, which lasted on average six years. During the first, women had to work inside the detachment, whereas during the second stage, their obligation was to prepare corn tortillas at home and take them to the detachment. Carmelita Ical said: "I worked at the detachment for six months (...) but the soldiers weren't only there for six months, I don't know how many years they were there, and we kept sending them tortillas" (SZ-11, interview, May 17, 2012).

Domestic slavery at the detachment reached extreme levels of economic exploitation, since women were forced to work twelve hours a day. This prevented them from providing food and other care for their children during the day. Andrea Cu explains it as follows:

> At the Sepur detachment I had to work all the time and leave my children on their own, going hungry at home. They let us out late. It wasn't until I left the base and came home that I was able to prepare food for my children. (SZ-04, interview, May 15, 2012).

Moreover, the women were forced to provide the materials for the work they did, such as corn for preparing the tortillas and soap for washing the soldiers' clothes. This represented an extreme sacrifice for the women, resulting in the deterioration of their health and that of their children.

Domestic slavery went hand in hand with sexual slavery at the military detachment of Sepur Zarco. All the women engaged in forced domestic labor were systematic victims of multiple gang rapes by soldiers. "We were put in groups to work shifts to make food and tortillas. After finishing all that, they started to rape us one by one "(Tribunal of Conscience, 2010: 33).

Every time women went to the detachment to work their shift, they were raped, either in the area where the soldiers had their beds, in the kitchen, in the guardhouse or in the torture pit. They were also raped in the Roquepur River when they went to wash the soldiers' uniforms. "We spent two years at the detachment. During that time we were like hens, as anyone who felt like it could grab us. They used our bodies and raped us" (E7-AV-Q, March 1, 2006).

At the detachment, groups of soldiers raped women simultaneously and each woman was raped by several men. The women in the "widows' houses" were also raped. "Sometimes they did it in

our homes or at the detachment. They always held a gun to our breast" (SZ-01, interview, June 20, 2012).

The women had no possibility of preventing the rape or escaping because, besides being raped under threat of death by firearms, they were under permanent surveillance and were forbidden to leave the community. This occurred in a context in which the army fully controlled and restricted the mobility of the entire population.

The military detachment of Sepur Zarco operated primarily as a place for "the rest of the troops", meaning as a center for raping women. This can be demonstrated by two practices. First, by the constant and massive rotation of soldiers arriving from other detachments, supposedly to rest and to have their clothes washed. "During that time there were a lot who arrived, you could say thousands. The soldiers rotated" (Tribunal of Conscience, 2010: 32). Second, by the use of birth control, since women were forced to swallow pills or be injected with contraceptives when doing shifts (Testimony presented at the High Risk Criminal Court B of the First Instance, as advance evidence, September 2012).

The murder of Dominga Coc and her daughters

The story of Dominga Coc had a strong impact on the women enslaved at Sepur Zarco, functioning as a constant threat of what could happen to them. Dominga was captured and taken to the detachment with her husband and two young daughters, Anita and Hermelinda. At the detachment, Dominga was cruelly gang raped by more than 20 soldiers in front of her husband and children.

Dominga's husband survived and says: "I saw with my own eyes how the soldiers took her one by one in front of my two girls. My wife just looked at me." Then he was taken to the farm of Pataxte where he was tortured for 30 days. (SZ-H-01, interview, February 17, 2012). At the Sepur Zarco detachment, sometime later, Dominga and her daughters disappeared. They had been murdered, as was evidenced in 2001 when the bone remains of Dominga were found and exhumed with the girls' clothing next to the Roquepur River.

Women were also subjected to other human rights violations such as forced nudity and forced marriage. When they went to the river to wash the soldiers' uniforms, they were forced on several occasions to undress and bathe with the soldiers. Some women felt

forced to live with their captors, as their only way to avoid mass rapes by other soldiers.

The consequences

Oh God! That's when we started to feel fear.
Hermelinda Rax

Sexual violence: physical and psychosocial consequences

When the army withdrew from Sepur Zarco in 1988, the population recovered a certain level of tranquility. Some returned to their communities of origin, while others moved to different regions. However, for women who had suffered rape, the ordeal did not end there, as they had to continue struggling for decades with the physical and psychosocial consequences of such crimes.

Lore Aresti (2003: 32) says that rape is "an aggression that has repercussions beyond the material nature of the event, on the psychic capacity and integrity of women". For the group of women from Sepur Zarco and surrounding communities, the physical consequences of rape included abortions and forced pregnancies, the inability to conceive again, vaginal bleeding, muscle pains, and other diseases that have lasted for many years. Psychosocial consequences include fear, silence, confinement, social stigmatization and feelings of guilt and shame.

The Sepur Zarco women were forced to remain silent for 25 years about the serious crimes of sexual violence committed against them. This silence was a coping and survival strategy for the women who were faced with society's interpretation of their rape. Olivia Yat remembers:

> The only solution we found was to shut ourselves in and remain silent in order to survive. We couldn't tell anybody, not a soul, what had happened to us for fear of what would happen to us and those who were close to us (SZ-05, interview, May 15, 2012).

Women who were raped in their homes without witnesses remained silent to avoid rejection and violence by their partners.

Those who were raped in public kept silent to avoid violence by the perpetrators, since many of them lived in the same communities. They also kept silent to avoid reviving their stigmatization and rejection by the community. However, women in the solitude of their homes remembered and had nightmares about the events, feeling "pain in their hearts." (Fulchiron, Amandine *et al.*, 2009).

Furthermore, many of the women who started living with new spouses have suffered physical and psychological violence, since they are blamed for failing to prevent the rape. "The person I live with started to hit me when he found out what had happened to me ... He would accuse me, saying I had let myself be raped by the soldiers, and he would hit me" (SZ-13, interview, May 18, 2012).

In patriarchal logic, sexual violence is a crime for which the victims are blamed. Even though their rape took place in a context of terror, militarization and war, from which the women had no possibility of escaping, they are blamed for the sexual violence that was inflicted upon them. Patriarchal interpretations lead to doubts about the women: might the women have provoked the rape?; did they fail to prevent it even though able to do so? These doubts also include the possibility that women found pleasure in rape.

Sexual slavery at the military detachment has been the main source of the women's stigmatization. Two characteristics of this sexual slavery worsened the stigma: its duration, in periods lasting up to six years, and the system of sexual slavery in shifts, for which the women would enter and leave the detachment.

In a patriarchal culture, men appropriate women through sexual intercourse so that "the women belong to them". Thus the idea emerged in the community that the women who were enslaved at the detachment were the property of the soldiers. "They would say that there were many widows working there, that the widows were now for the soldiers" (SZ-H-03, interview, February 17, 2012).

As a result of this, survivors of sexual violence in the communities have been represented socially as accomplices of the soldiers, as part of the enemy. This has increased their social rejection and stigmatization, and they have been classified pejoratively as the soldiers' mistresses. "Women who still had husbands spoke about us saying that we were the lovers of the soldiers" (E11-AV-Q, September 3, 2006).

For the women, the consequences of rape included feelings of self-blame or of having sinned, interpreting rape as adultery. Religious beliefs increased their guilt. Some women asked for God's

forgiveness for being unfaithful to their husbands and for having committed a sin. "I was married and was sorry when they abused me because when we got married we were told that we should not commit adultery, we were also told if we commit a sin we will never see God" (E11-AV-Q, September 3, 2006). Women's self-blame is produced through patriarchal ideological mechanisms. Marcela Lagarde (1993: 283) states that women's explanation of sexual violence is specific to their circumstances, separating their own experience from that of the rest of women; thus, the ideological circle is closed, because "in her own eyes, which are the eyes of the patriarchal culture, the victim is causing the harm that has been inflicted on her."

Furthermore, survivors of sexual violence are seen as dangerous people for other households and as bad examples for young women. In order to eradicate that stigma, several women felt compelled to live with other men. "They stopped insulting me when I went to live with my new partner. I didn't want to go with him, but because of criticism, I accepted my new partner and they stopped bothering me" (E14-AV-Q, March 2, 2006).

The survivors were also considered impure and dirty for having been raped. After being a victim of sexual violence, Paula Tut moved to live with relatives; however, when they knew that she had been raped, "they told me that I had no right to touch the things they had in their house and then they threw me out" (E21-AV-Q, October 12, 2006).

Consequences of the forced disappearance of their husbands

Fear is one of the consequences of the serious acts of violence experienced by the Sepur Zarco women. This feeling, which originated when the army kidnapped their husbands, and which increased when they were raped, became part of the women's everyday lives and has accompanied them for many years. "I began to feel fear when they started to take our husbands from our homes. Oh God! We were so scared. I felt the fear in my heart and in my thoughts, that's when it started" (SZ, group interview, June 20, 2012).

The loss of their spouses as a result of forced disappearance or murder by the army had serious material, subjective and sym-

bolic consequences for the lives of women and their children, and has continued to have an impact on them throughout their lives.

Women's workload increased substantially, as they became the sole providers for their homes. The women attribute physical ailments that have lasted a lifetime to this extra burden. "I had to cut and clean the corn. My chest hurts a lot. My back hurts. That's why I'm suffering now. I had to work like a man, because I was on my own" (SZ-03, interview, May 15, 2012).

The loss of their fathers had a strong impact on children, because in the socioeconomic and political context in which they lived, their families became poorer. "When he left I felt so sad. He left me with four children, two boys and two girls. I didn't know what to do, where to get money to feed them. My children went hungry" (SZ-05, interview, May 15, 2012). Moreover, the loss of their fathers meant that children were deprived of other social rights such as education. "My children didn't study (...) but if their father had lived, maybe they would have studied" (E7-AV-Q, March 1, 2006).

As a result of being left without a husband, several women were dispossessed of their land. "In my community I've been treated badly just because I was a widow, because I lived alone for a long time. People thought I wasn't going to be able to pay for the land, so they took it away from me" (E7-AV-Q, March 1, 2006).

In the prevailing social context, women must have the physical and symbolic presence of a husband to look after them. The fact that they were widows resulted in their movements being restricted, as well as being deprived of the right to recreation. Mariana Maquín told us:

> When my husband was with me, he would take me to the festival of Panzós or Santa Rosa or Telemán. He never left me. Whenever there was a festival, he would take me. The truth is that I enjoyed going out with him. Now there's no one to take care of me, it's not the same. Now I can't go out alone (SZ-01, interview, May 14, 2012).

Cultural consequences in the community

The brutal violence unleashed by the state during the armed conflict had cultural impacts on indigenous communities because it went against ancestral practices significant in the lives of indigenous peoples, transforming their social dynamics.

Irma Alicia Velasquez (2010: 122) explains that the indigenous women's mass rape caused them to lose the respect of others and their positions in the community, as in the cases of the traditional midwives, bone setters, herbalists, and the aj'qijab', or conflict mediators. Moreover, the sexual violence meant that women stopped providing key services in their communities, services that were not provided by the state, and it prevented the development of indigenous women's knowledge.

With the destruction of their homes, women lost objects that related them to their parents and grandparents, and which had emotional value for the family. These elements, like the stones used for grinding corn, represented forms of coexistence between generations and were of symbolic and spiritual importance.

The assassination of spiritual leaders was a significant loss for the indigenous communities, for in the context of their worldview, it represented an inability to make sense of what was happening, and prevented the necessary rituals from being performed to accompany people's life cycles. Estela Maaz explains:

> Spiritual guides teach us to be in harmony with everything around us. During the conflict three spiritual guides were taken away. They would pray for the crops and for the children in the community (...) all that was reduced to nothing (SZ-09, interview, June 21, 2012).

Interpreting the acts of violence

What are the fundamental causes of the atrocities, particularly of the sexual and domestic slavery, committed against the Q'eqchí women of Sepur Zarco at the military detachment? To answer this question it is essential to incorporate into the analysis the interweaving of the main domination systems in the lives of indigenous women, in the context of the armed conflict.

Land and war

The women of Sepur Zarco explain that the violence they and their families suffered was the result of their struggles for land. Violence was inflicted upon their communities when peasants organized to obtain title to the land on which they lived. "I think the reason for the violence that happened, was that it was for mother earth. At

that time, applications were made to the government to get title to the land. So they decided to kill us" (SZ-03, interview, May 15, 2012).

In analyzing the violence, women recollect their historical memories of the economic exploitation experienced by their ancestors on the coffee farms, and their stories of displacement in search of land.

> My parents told me about everything they'd experienced on the coffee farm. The coffee farmers are rich because the poor work for them, and because they pay the men who work for them very little and therefore make lots of money (HV4-AV-Q, August 10, 2006).

The women are from families that migrated from the highlands of Alta Verapaz, especially Senahú. As girls or young women they came to the land where they now live, clearing it before planting, building their homes, and making their lives. Regina Tiul remembers:

> When we came here it was because of my father, he came in search of land. I grew up here. This community wasn't a village yet, people kept coming. People started to cut down the trees. Everything was wild. You had to cut down the forest to build a house and plant crops (SZ-06, interview, May 16, 2012).

Over many years, women have continued to make efforts to obtain title to the land where they live. Some have managed to do so, but most have not. Andrea Cu tells us "two years ago we managed to get land title" (SZ-04, interview, May 15, 2012). However, the title was not issued in her name, but in that of her children.

The war, say the women, began in their communities when the military kidnapped their husbands and sons. Aurelia Botzoc indicates: "I'd like to share with you what it was like when the war came to my community. When the soldiers arrived, they started capturing people, they took my husband, they took two of my sons" (SZ-03, interview, May 15, 2012).

Thereafter, terror and silence were imposed on their communities and their lives: "When the soldiers started to arrive (...) the place became sad and we were sad too. Fear of speaking out, having to stay silent, not having any place to go or any person we could talk to about what we were experiencing" (SZ, group interview, June 20, 2012).

For Alejandra Sagüí the arrival of the army represented the total destruction of the communities and loss of peace:

> When the military came to this place we lost everything, including our health. They destroyed everything we had, the army together with the farmers. They took from us what we wanted the most, peace disappeared from this place (SZ-20, interview, June 21, 2012).

In the women's explanation of what led to their domestic and sexual slavery, the main cause was the fact that they were left without their husbands. "They said that all the widows, that the women who were left alone, were obliged to serve the soldiers (...). Then they took us there" (SZ-11, interview, May 17, 2012).

The extrajudicial execution or forced disappearance of their husbands is interpreted by the women as the violent incident that triggered the other human rights violations, because from then on: 1) they were raped by soldiers; 2) they were subjected to sexual and domestic slavery in the military detachment; 3) they became the only ones responsible for the sustenance of their children; and 4) their children were deprived of basic rights, primarily food.

Many women consider that the loss of their husbands put an end to their happiness. "As we have already said, life was good before they took away our husbands" (SZ, group interview, June 20, 2012). In this regard, Irma Alicia Velasquez (2010: 121) indicates that, with the trauma from the devastation of the indigenous communities and from sexual and material violence, the women tend to idealize their culture, their family lives and their relationships with their spouses before the rape.

When they analyze the violence, the women claim their rights to the land as members of the indigenous peasant population, and they attribute responsibility for the violence to the farmers in the region. Estela Maaz explains it as follows:

> The violence came because we were fighting for our land. The farmers realized we were growing in numbers and thought that as indigenous peoples "we were taking everything". Don't we have the right to ask, if we're workers? Their response was death (SZ-09, interview, May 18, 2012).

Women explained that the farm owners handed lists over to the army with the names of the peasant leaders whom they accused of supporting the guerrillas. Liuba Quinich reports:

> When my husband was taken, it was the same farm owner who gave the list to the army. Because when my husband finished work, he'd go fishing, [but] what she said was that my husband would go and take food to the guerrillas (SZ-07, interview, May 16, 2012).

In the Polochic Valley, state repression during the armed conflict had its own particular characteristics. The farmers there were frontline actors since not only did they support the army politically, economically and ideologically, but they also became directly involved in the army's repressive operations, either doing intelligence work, loaning tractors and trucks, or giving the army land for setting up military detachments[29].

The report by the Commission for Historical Clarification (CEH: 2009) explains how state counterinsurgency policy was designed to defend the economic and political interests of the dominant classes. The Polochic Valley is a clear example of how state institutions were placed at the service of the interests of large landowners.

In this region, the army used the armed conflict as an instrument to put an end to the peasants´ organization and mobilization for access to land. When the violent events took place in Sepur Zarco, the presence of insurgent organizations in the region was weak and none of them had established a guerrilla front there. However, the army put into practice all of its counterinsurgency tactics, including: kidnapping, torturing and murdering peasants; destroying communities, forcibly displacing the population; and raping women. In this context, the rape of women was used as a tool for land dispossession.

RAPE: A WEAPON OF WAR

The rape of women in Sepur Zarco was used as a weapon of war in the state's counterinsurgency policy, in the context of the armed conflict that was taking place in the country. During those years, the army carried out the most horrendous genocidal acts and scorched earth tactics in the western highlands.

The organized way in which women were raped in Sepur Zarco indicates that these were not isolated acts committed by soldiers, but rather part of an attack against the civilian non-combatant population, the result of military planning, directed by the top army command in the region. First of all, as already noted,

29. The military detachments in the Polochic Valley were established on the farms of Sepur Zarco, Tinajas, Sa'quiha', Panacté and Pataxte, and also in the towns of Panzós, Telemán and El Estor (Paredes, Carlos, 2006: 25).

the rapes were committed in an order that was based on the military hierarchy. Secondly, the systematic application of contraceptives to women at the military detachment provides strong evidence that this was a carefully organized military operation.

Moreover, even when women were raped systematically in the detachment, none of the testimonies collected mentions punishments, not even verbal ones, for the perpetrators, which suggests that rape was something that was permitted and encouraged (Paz, Olga, undated).

Taking prostitutes to military detachments was a practice used by the army during the armed conflict. The military campaign plan *Victoria 82* states that soldiers, after performing certain tasks in military detachments, "may have access to or exchange with the opposite sex" (Sentencia por genocidio y delitos contra los deberes de humanidad contra el pueblo maya ixil, 2013). Significantly, prostitutes were never taken to the Sepur Zarco detachment, which is an indication of the fact that access to the opposite sex was through rape.

This confirms how the rape of women in the Sepur Zarco detachment was a weapon of war in the context of the state's counterinsurgency policy.

Patriarchal domination and the counterinsurgency policy

During the armed conflict the system of gender oppression was instrumental for the objectives of the state's counterinsurgency policy. Patriarchal domination provided the counterinsurgency with a system of power relations that gave men a position of supremacy and the subordination of women. Moreover, specific mechanisms of this oppressive system were used as instruments in the context of the war.

When senior army officials gave the order to rape women, these orders fell on fertile ground. First, society was already permissive towards violence against women. Second, historically women have been raped as part of everyday life, both in private, including incest and marital rape, and in the public sphere, such as sexual assaults on roads and vacant lots, in schools, and in the workplace.

War and militarization are both processes that reinforce the construction of male sexuality based on force, and this exacerbates

sexual violence against women. Analyzing the dynamics of the perpetrators in this type of scenario, Rita Segato (2006: 19-20) explains that rapists establish a dual dialogue through vertical and horizontal axes. The vertical axis is interaction with victims, whom they insult and humiliate, while the horizontal axis is for perpetrators to prove to their peers that they deserve to belong and to be outstanding in a virile brotherhood.

Sexual slavery represented a particular form of mass and multiple rape during the armed conflict. This type of rape had two perverse effects. For the victims, it increased psychosocial consequences in the form of stigmatization by and ostracism from their communities. For the perpetrators, this form of violence strengthened the bonds of male complicity, consolidating their pacts of silence and thus promoting impunity for their crimes.

Furthermore, to understand the interwoven components behind domestic and sexual enslavement in the Sepur Zarco military detachment, it is essential to analyze the social roles assigned to women within a patriarchal culture. Franca Basaglia (1986) explains, women's subjectivity focuses on sexuality for others: for men and for procreation. This ideal woman has been developed through myths, religions, philosophies, laws, and literature. This means that women's bodies do not belong to them, but have been expropriated. Marcela Lagarde (1993: 202) adds that procreation and eroticism "are the basis of the socio-cultural specialization of women".

At the same time, the sexual division of labor was used in the enslavement of women at the military detachment as a mechanism of gender domination, through which women are confined to the private space, and assigned with the social obligation of doing the domestic work and caring for family members.

The impact of racism

Racism against indigenous peoples is another essential component in the root causes of the domestic and sexual enslavement of Q'eqchí women in Sepur Zarco. This enslavement, executed with extreme levels of cruelty as part of the state's counterinsurgency policy, cannot be fully understood without attending to the role racism has played in Guatemala's colonial and post-independence history.

In Guatemala, racism which is deeply rooted in the economic elite, but has over centuries permeated all social classes and groups, is intertwined with gender and class domination. This is reflected in the specific conditions of discrimination, cultural oppression and economic exploitation experienced by indigenous women. As a result of this interplay among oppressive systems in their lives, they have minimal opportunities for access to health, education, paid work and other social assets. The result is that indigenous women are perceived only as domestic workers by broad sectors of the population.

With regard to social functions based on ethnicity, Marta Casaus *et al* (2010: 139), citing Stolcke, say: "Race as well as ethnic group are categories constructed to assign social functions to mark differences and inequalities and thus justify social, political and economic domination".

The system of forced labor at the military detachment of Sepur Zarco, besides being a form of economic exploitation, was an acute expression of racism against indigenous women. This practice is similar to the *repartimiento de indios* under colonial rule, a mechanism by which indigenous people were sent in batches to work as forced labor on farms, with very little pay -- although one way that the experience of the women of Sepur was different was that they received no pay whatsoever. It was also a crime because forced labor has been prohibited in Guatemala since 1945.

Furthermore, the forced labor they were subjected to exacerbated the poverty and social marginalization of the women and their families. Both the domestic and sexual slavery at the military detachment represented physical and emotional demands on these women at levels that led them to the brink of survival. As Estela Maaz says: "It's a miracle we're alive" (SZ-09, interview, June 21, 2012).

The basis for sexual and domestic slavery

The many intersections of gender, economic and ethnic domination in the lives of indigenous women formed the structural basis for the sexual and domestic enslavement of Q'eqchí women in the military detachment of Sepur Zarco. On top of this framework, military counterinsurgency tactics were deployed by the army in the context of the armed conflict, resulting in the expropriation

of the workforce and of the eroticized women's bodies, through extreme forms of violence, thus constituting one of the most despicable chapters of violence against women during the armed conflict.

The military strategy of the army in Sepur Zarco completed the material, political and subjective conditions for the domestic and sexual enslavement of women. With regard to material conditions, women were deprived of any resources for their own survival and that of their families, through the disappearance or murder of their husbands, and the destruction of their homes, crops and other belongings. The political context was one of repression, military control and terror in the communities of the Polochic Valley.

As for their subjective conditions, women were "dishonored" after being raped by soldiers in their homes, since the reputation of women within a patriarchal culture rests primarily on sexual behavior. Gender obligations dictate that women should "belong" to a single man, whether as a married wife or as a partner. When this mandate is broken, even if it is the result of a brutal act of violence such as rape, women's prestige is lost.

Moreover, the fact that the Q'eqchí women were labeled as widows facilitated their sexual and domestic enslavement because in the prevailing cultural context, a woman should always be protected by a man, especially by her husband, who is considered to be "the owner of the woman". When this figure disappears, women are considered to be available for other men. At the same time, the fact that the Q'eqch women were made widows reinforced the social control mechanisms that exist over women.

It is also important to highlight the sense of helplessness as a result of widowhood among the women themselves. The fact that they were named widows by the military led to women assume widowhood as part of their own identity. Over the years, they have continued to call themselves widows, even though some of them have new partners.

Furthermore, sexist stereotypes regarding work had an impact on the women at Sepur Zarco. In their communities, men were the main responsible for planting and harvesting corn and other food for the family. However women also contributed to the family income through farming for food production, in addition to their housework. Elena Chub says:

> When we started living together, my husband was a hardworking man too. I would go with him. Between the two of us we planted malanga, sweet potato, pineapple, blackberry grass. We produced a lot. We managed to plant everything we ate. When women are married, they go to the cornfields to work, to tend the harvest (SZ-08, interview, May 16, 2012).

The kidnapping or murder of the women's husbands abruptly eliminated the gendered division of labor within households, since women were forced to do "men's work". As well as objectively increasing women's workload, it also generated the idea that there was no one available to work in the family, causing great suffering to women. This was influenced by the societal belief that women peasants do not work, but only help men. "With my husband we would work together. My husband was a hard-working man. I always used to help him" (SZ-01, interview, May 14, 2012). Furthermore, domestic tasks done by women at home are neither recognized nor valued as work, but are considered to be part of their natural duties, despite the fact that women replace much of the workforce of the working classes on a daily basis (Larguía, Elizabeth & Dumoulin, John, 1971). In this context, it is not surprising that the women of Sepur Zarco underestimated their condition as workers.

The Sepur Zarco women's struggles for justice

Significance and priorities

The women of Sepur Zarco are now demanding justice for the many crimes they suffered during the armed conflict. When asked what justice means to them, they emphasize that it is important: that the truth be known; that the government recognize the harm caused to them; that these events not be repeated; that the perpetrators go to prison; and that women be given economic compensation in the form of land and housing.

For many years, unveiling the truth has been one of the main demands for justice made by this group of women. Alicia Tení remarks: "Let everyone know what women suffered. We suffered the destruction of our belongings, rape, we were left without any land" (SZ-10, interview, May 17, 2012). Furthermore, uncovering

the truth would imply transform society's interpretation of what happened: the women want people to know that they were not guilty of their own rape.

The Sepur Zarco group demands that the government take responsibility, starting by recognizing the damage caused to women. "The idea of seeking justice is for them to recognize that they harmed us, not only through rape, but they also killed our husbands, and destroyed our animals and our belongings" (Consorcio Actoras de Cambio, 2007).

The significance that women attribute to justice also includes the demand for non-repetition of the violence they suffered. "In my opinion we want justice so that this isn't repeated for other generations" (SZ-01, interview, June 20, 2012).

Most of the women understand justice as being restorative. They demand land as a form of economic compensation from the state for the material and moral damages they and their families suffered. "When the war came, they burned our houses. I still don't have a piece of land. When they killed our husbands, it was because of the land, so they should give us some land to work on" (SZ, Focus Group, May 17, 2012).

The main demand for justice of the Sepur Zarco women's group is penal punishment of the perpetrators of the crimes. They ask that the justice system investigate the events and that those responsible be sent to prison. Mariana Maquín reports: "They separated us, they killed our husbands and raped us. They have to face justice. The murderers should be sent to prison" (SZ-01, interview, June 20, 2012).

The women's priorities in their demands for justice have transformed over time. When the organizational process first started, even when talking about justice for the rape committed against them, the women prioritized justice for the murder or forced disappearance of their husbands, and for the destruction of their homes and crops. However, this changed as they became more aware of their rights as women and as the group was consolidated. The women began to see sexual violence as a crime of comparable gravity to those committed against their husbands. "So it wasn't just for our husbands, but for ourselves because we suffered too" (SZ-02, interview, May 14, 2012).

During the meetings that were held to define the content of the ongoing criminal complaint of sexual slavery, the women decided that the murders of their husbands and the destruction of

their homes and crops should be included, but that the priority should be the sexual violence committed against them. "The group analyzed it and we decided that the most important thing for us was the rape we suffered" (SZ-02, interview, May 14, 2012).

Finally, for the group of women from Sepur Zarco, justice is a means to build peace in the communities. "Justice is for there to be tranquility and peace, for the communities to live in harmony" (SZ-01, interview, June 20, 2012).

The road to justice

The path to justice that the Sepur Zarco women have followed is made of a set of strategies, including, particularly, the construction of organizational spaces for women and the development of alliances. This path also includes political and legal actions of great significance: a) the construction of a historical memory of sexual violence perpetrated against indigenous women during the armed conflict, which has resulted in the publication of a book; b) the establishment of the Tribunal of Conscience on sexual violence against women during the armed conflict; and c) the filing of a criminal complaint in the Guatemalan courts within the framework of transitional justice.

Construction of women's groups and alliances

The construction of women's groups and alliances marked the beginning of the road to justice for sexual violence perpetrated during the armed conflict. In 2003, feminists and human rights defenders took the first steps to build an alliance that would make visible what until then had been the hidden dimension of the armed conflict: rape. This resulted in the creation of an alliance, the Consorcio Actoras de Cambio[30]. Thereafter, links with women survivors of sexual violence were established in four departments (Alta Verapaz, Izabal, Huehuetenango and Chimaltenango). A process

30. The Consorcio Actoras de Cambio was made up of Equipo de Estudios Comunitarios y Acción Psicosocial (ECAP), Unión Nacional de Mujeres Guatemaltecas (UNAMG) and individual feminists. This alliance developed its activities between 2003 and 2008.

consisting of psychosocial support, education in women's rights, and the construction of historical memory was begun, through the groups, as part of the struggle to put an end to oppression of women.

In this context, the Sepur Zarco women began to meet in 2004, and have been continually active into the present, with an average of 60 participants. This has been a space of great value for its members, in which they have been able for the first time to speak about the sexual violence they experienced during the armed conflict, ending the silence kept for over twenty-five years. Mariana Maquín explains it as follows:

> (...) I spoke about the rape. I felt that it was the only safe space where I could do so and also relax. It's not easy to talk about. I began to stop being afraid or worried, and to stop feeling sad about everything bottled up inside me (SZ-01, interview, May 14, 2012).

The group has also been the place where women have been able to process their grief over past losses. While remembering these events is always painful for them, the difference is that now this pain does not immobilize them; on the contrary, it gives them strength to continue. In the women's group they also discovered and harnessed their strengths, while developing ways to cope with difficult situations in the present.

Training in the groups has allowed the women to become aware of gender discrimination and women's rights, and this has laid the foundation for their pursuit of justice. Estela Maaz believes:

> Back then when we didn't participate in workshops, we didn't used to think about the possibility of justice. We were scared, we felt very bad. [War] had made us sick, sad, with no energy. By the grace of God I didn't die. Then we saw that it was possible to attribute responsibility to those who committed these crimes against us (SZ-09, interview, June 21, 2012).

In addition, the group has provided a space for reflection on the causes of sexual violence during the armed conflict. The women have been able to analyze the multiple power relations that underlie the origin, development and consequences of these serious acts of violence. This has been crucial in attributing new significance to the experience, removing it from the personal sphere and placing it in the social and political fields, which has allowed the women to gradually overcome their feelings of shame and guilt.

Importantly, the group has also enabled the women to develop the understanding that sexual violence during the armed conflict was a problem that affected not only them, but also many other women. They have been able to realize and discuss this during gatherings with women survivors of sexual violence from different regions of the country.

The Sepur Zarco women have forged strong bonds of solidarity within the group. They have established agreements to support and protect each other in aspects of their daily lives and those related to the quest for justice. "When we get sick, we have agreed to support each other. We visit each other so that people see that we're not alone" (SZ-01, interview, May 14, 2012).

It is important to highlight that members of the Sepur Zarco group have a strong culture of communality. This is influenced, on the one hand, by the fact that they all shared similar experiences of sexual violence. On the other hand, the traditions of the Q'eqchí people, which assign great importance to collective organization and participation, have also had a strong impact.

The construction of alliances has been a second key strategy in the pursuit of justice, since no group or organization alone could tackle the enormous task of ending impunity for the gender crimes committed during the armed conflict. Currently, the Alianza rompiendo el silencio y la impunidad (Alliance Breaking Silence and Impunity) provides psychosocial and legal support, as well as education in women's rights for the Sepur Zarco group, as part of its political commitment to women's rights and emancipation[31].

In the process of seeking justice, women value the importance of carrying out this struggle together with other organizations. Alicia Tení says: "Our strategy is collective and we have the support of the organizations" (SZ-10, interview, May 17, 2012). This collective struggle is precisely what constitutes the driving force aimed at ending impunity for the crimes committed against the women of Sepur Zarco during the armed conflict.

However, the Q'eqchí women are aware that they are at the center of the quest for justice and that they are the ones who make the final decisions. "It's our process. I've already understood that

31. Alianza Rompiendo el Silencio y la Impunidad is made up of Equipo de Estudios Comunitarios y Acción Psicosocial (ECAP), Unión Nacional de Mujeres Guatemaltecas (UNAMG) and Mujeres transformando el mundo (MTM).

we must speak about it as often as necessary since at the end of the day it's our own process" (SZ, focus group, May 17, 2012).

On that basis, women have established agreements on how to promote the struggle for justice based on the social conditions in their communities. As part of their strategies, for a long time, women did not reveal the reason for their activities. As Mariana Maquín observed: "We still haven't told our families or our children. Between us we have agreed not to tell our children because we don't know what might happen" (SZ-01, interview, May 14, 2012). This agreement among the women is a form of protection against the sociopolitical context, but it is also the result of the historical memory of political repression during the armed conflict, and of the resistance traditions of the Q'eqchí people.

Their worldview and faith have been important pillars for the Sepur Zarco women in their struggle for justice. Since the group was established, they have made the decision to incorporate Mayan ceremonies into their main activities. Estela Maaz explains:

> Although we are silent, we are in constant reflection. Every day we pray to the sacred hill, the Earth, God the Supreme Being, the sacred fire. We ask God to prevent anything from happening to us on the roads. We have asked the hills that you be always with us (SZ-09, interview, May 21, 2012).

The path followed so far by the Sepur Zarco women has had an impact on their lives, their families and their communities. Awareness of their rights has encouraged them to intercede when violence is committed against other women. "We know what needs to be done when a woman has suffered aggression, we try to approach her and her husband to tell him that women have rights and that there are other ways to solve problems" (SZ-interview group, June 20, 2012).

Memory, truth and symbolic justice

The members of the Sepur Zarco group, together with women survivors of sexual violence during the armed conflict in other regions of the country, have been the protagonists of a process aimed at unveiling the truth, building historical memory and achieving symbolic justice. These actions, promoted by feminist and

Tribunal of Conscience. Guatemala City, March 2010. Photograph: Alianza Rompiendo el Silencio y la Impunidad.

human rights organizations, have contributed to women's dignification, and to bringing sexual violence into the public debate.

The book *Tejidos que lleva el alma: Memorias de las mujeres mayas sobrevivientes de violencia sexual durante el conflicto armado* (Fulchirón, Amandine *et al.,* 2009)[32] was the first effort made by women to build a historical memory of gender crimes during the armed conflict. In the book, the life stories of Mayan women survivors of sexual violence are documented, while the causes and consequences of these crimes are analyzed, as well as the mechanisms that have allowed women to transcend their pain, achieve individual and collective transformation, and seek alternatives for access to justice.

The Tribunal de Conciencia contra la violencia sexual hacia las mujeres durante el conflicto armado interno en Guatemala (Tribunal of Conscience) was held on March 4-5 2010 in Guatemala City, representing an important step along the women's path to justice[33]. This was an opportunity for responding to the women's demand

32. This book is the result of a collective two-and-a-half-year investigation, articulated with the work of the Consorcio Actoras de Cambio accompanying Mayan women survivors of sexual violence during the armed conflict in four departments in the country.

33. The Tribunal of Conscience was organized by Unión Nacional de Mujeres Guatemaltecas (UNAMG), Mujeres Transformando el Mundo (MTM), Equipo de Estu-

to unveil the truth. Before hundreds of people, including officials from the judiciary and other state bodies, the women denounced the violence, demanded that the government recognize its responsibility, and requested that the formal justice system intervene. Telling the truth was a dignifying and restorative action for women.

The Tribunal of Conscience was also a symbolic justice mechanism and a pedagogical exercise that showed that there are enough legal tools available to prosecute the gender crimes committed during the armed conflict. For these purposes, the Tribunal was held following the format of formal justice, as a mock trial: eight testimonies of women survivors of sexual violence were presented; seven reports by experts from various disciplines were given as forensic evidence[34]; the request by prosecutors was presented; and a sentence was pronounced by the magistrates of conscience[35].

Criminal justice

> *I've kept it in my heart. I don't know whether he'll believe me or not [the judge], but it's in my heart.*
> Esperanza Caal

The multiple acts of violence against the Sepur Zarco women and their families are serious human rights violations and horrendous crimes, which are included in domestic and international law. Rape, sexual slavery, torture and forced disappearance, which have been detailed in this study, are crimes against humanity and war crimes, and are therefore not subject to statutory limitations.

On September 30, 2011, fifteen women from Sepur Zarco filed a criminal complaint before the Criminal Court of the First Instance of Izabal, for rape, sexual slavery and other crimes committed against them and their families during the armed conflict. Subsequently, through a request for extended jurisdiction, the case was

dios Comunitarios y Acción Psicosocial (ECAP), Coordinadora Nacional de Viudas de Guatemala (CONAVIGUA) and Asociación Feminista La Cuerda.

34. Expert reports were presented on gender, psychosocial, medical, anthropological and cultural issues, as well as juridical doctrine and military strategy.

35. All the documents of the Tribunal of Conscience are available at: http://publicaciones.hegoa.ehu.es/assets/pdfs/279/Ni_olvido,_ni_silencio.pdf?1342173748.

transferred to a Court for High Risk Crimes in Guatemala City.[36]. The complaint also includes the torture of four men who were detained at the military detachment of Sepur Zarco and who witnessed the rapes of the women[37].

The accused are individuals identified as material and intellectual perpetrators of the crimes alleged. They had responsibilities in the hierarchy of the Guatemalan Army, as part of the counter-insurgency policy. The criminal case is now in the investigation phase at the Attorney General's Office.

The criminal proceeding of Sepur Zarco has achieved the following milestones: a) ratification of the women's testimonies at the Attorney General's Office; b) transfer of the case to a Court for High Risk Crimes; c) presentation of evidence, including 19 testimonies; d) development of scientific evidence based on multidisciplinary expert reports; e) exhumations in Sepur Zarco and the Tinajas farm by the Forensic Anthropology Foundation of Guatemala, whose reports reinforce the credibility of the women's testimonies; and f) declarations of the plaintiffs at the Court for High Risk Crimes, as advance evidence (Moran, Lucia, interview, May 16, 2013).

In 2012 the plaintiffs submitted declarations during public hearings at High Risk Criminal Court B of the First Instance, as advance evidence. The Q'eqchí women had to wait thirty years to testify before a judge on the crimes against them at the military detachment of Sepur Zarco. It was an unprecedented event, since it was the first time a group of women testified in court about a case of sexual violence during the armed conflict.

During the five days of the hearings, the women gathered up their strength to be able to recount the atrocities committed against them and their husbands by members of the military. The voices of these elderly women expressed certainty and authenticity, as well as the profound pain of their memories.

36. Tribunales de Mayor Riesgo (Courts for High Risk Crimes) were created by Guatemala's Supreme Court to "hear cases that pose a serious risk to the judges, the prosecutor, the defendant(s) and the defense attorney, or anyone else involved in the case." http://www.cja.org/section.php?id=536

37. Mujeres Transformando el Mundo (MTM) and Unión Nacional de Mujeres Guatemaltecas (UNAMG) are third-party prosecutors in the criminal proceeding. The Alliance Breaking Silence and Impunity as a whole provides support for the women plaintiffs.

At the hearings, measures were taken to ensure dignified and respectful treatment of the women, and mechanisms were put in place to allow them to express themselves in a position of trust and safety. They spoke in their own language, Q'eqchí, with translation into Spanish by women from their ethnic group; they were also accompanied by a psychologist with experience in supporting victims of sexual violence. Additionally, the women partially covered their faces, using indigenous shawls in order to protect their identity. Only the judge, who was in front of them, was able to fully identify them.

The women interpret the presentation of their testimonies in court as a validation of truth. "The law is listening to us, that means that what happened is not a lie" (SZ-09, interview, May 18, 2012). In fact, the hearings became a means to reveal the most hidden crimes of the state's counterinsurgency policy during the armed conflict: sexual violence against indigenous women. The public opinion reacted, expressing horror at the crimes that were revealed.

The plaintiffs commented that in the trial they represented the experience of other women survivors of sexual violence who did not dare to file a complaint because of possible consequences with their spouses. "Here in this community, there are more women victims, what happened is that they were afraid of their husbands" (SZ-14, interview, May 18, 2012).

Although the legal proceeding is still at the investigation stage, progress so far has resulted in the group of women having confidence in the justice system, and it has strengthened their commitment to continue the quest for justice. "(...) Now the Attorney General's Office is really listening to us. We haven't finished here. The struggle continues" (SZ-09, interview, May 18, 2012).

The criminal proceeding of the Sepur Zarco women is a case of strategic litigation. First of all, it is emblematic because it is the first time that a complaint of rape and sexual slavery during the armed conflict has been presented in the state courts, in an attempt to put an end to the total impunity for these crimes. Also, the criminal proceeding represents a contribution to the incorporation of a gender perspective in transitional justice[38], as well as to the

38. Some elements put into practice at the public hearings of advanced evidence were also used later, while addressing sexual violence, at the trial against the retired general Efrain Ríos Montt for genocide against the Ixil people in 2013.

struggles to eradicate current violence and discrimination against women.

Furthermore, this case has a global impact, since it is one of the few criminal prosecutions for rape and sexual slavery in war time to be addressed in the courts of the country in which the crime was committed[39]. This represents a contribution to the struggles that aim to end sexual violence during armed conflicts, one of the most widespread and silenced human rights violations in the world.

As a strategic litigation, the Sepur Zarco case includes legal, psychosocial, political, and communication components. The Alianza Rompiendo el Silencio y la Impunidad has promoted media campaigns to position sexual violence as a human rights violation and a crime, in order to promote changes in society's interpretation of this serious social problem.

Obstacles and challenges

The main obstacles the Sepur Zarco women face in their quest for justice lie in the conflicts derived from the expansion of the extractive industry in the Polochic Valley, the climate of criminal violence, and the growing militarization in the region. Another obstacle comes from the fact that women live in the same communities as several of the perpetrators of sexual violence, whose presence represents a permanent threat.

All of this revives their fear, a feeling that has had a physical impact on their bodies for many years. Fear increases under certain circumstances, such as in the presence of soldiers at police checkpoints. As Mariana Maquín says: "We also continue to wonder (...) if control is always going to be as it was in those days [during the war]; at the checkpoints they've set up now there are not just policemen but also soldiers" (SZ-01, interview, June 20, 2012). Only through a conscious, individual and collective effort have the women been able to cope with fear.

There are many challenges that still need to be overcome to achieve justice. However, the women of Sepur Zarco do not give

39. Very few cases of sexual violence in times of war have been judged in national courts, as in Bosnia and Herzegovina, as well as the Democrátic Republic of Congo (UN, 2012).

Woman from Sepur Zarco declaring at a Court Hearing as advance evidence. Guatemala City, 2012. Photograph: Sandra Sebastián/ Alianza rompiendo el silencio y la impunidad.

up. Outrage at and awareness of the huge injustices committed against them, their families and their communities provide women the inner strength to move forward in the arduous struggle for justice. [40]

40. Updating of the Sepur Zarco legal case: after having finished the investigation and the intermediate phase, in November 2015 the Guatemala's High-Risk Court A announced that the public debate of the Sepur Zarco trial will begin on February 1, 2016. The accused are Lieutenant Colonel Esteelmer Reyes Giron (former Sepur Zarco detachment's commander) and Heriberto Valdez (former Military Commissioner). Both men, who face charges of crimes against humanity, were arrested in June 2014 and kept since then in preventive detention.

Chapter V
The Women of Lote Ocho

We are all from Guatemala and we deserve this land.
Esmeralda Pop

Human rights violations

The narrative of the facts

On January 17, 2007, the Maya Q'eqchí people of the community of Lote Ocho (also known as Chacpaylá) in El Estor, Izabal, were violently evicted at the request of the Compañía Guatemalteca del Níquel (CGN). Hundreds of private security guards, as well as members of Policía Nacional Civil (PNC) and the Guatemalan army participated in the eviction, and many human rights violations were committed. The community is on lands that are being disputed by the CGN, lands that the Q'eqchí people claim as part of their ancestral territories.

The abuse committed against the people of Lote Ocho is part of a series of evictions and other violent acts perpetrated by the CGN against several Q'eqchí communities in the Polochic Valley. The mining company is currently facing land claims from 19 communities, 11 of which have resulted in considerable violence.

Background of the nickel extractive company

Compañía Guatemalteca del Níquel -CGN- (Guatemalan Nickel Company) is located in the municipality of El Estor, in the Depart-

ment of Izabal, where the Phoenix Project is being implemented. This project, located on the banks of the Izabal Lake, entails an open pit nickel mine, a processing plant, and some 250 square kilometers of land for exploration.

This mining company, originally called Exmibal, has been in the region for a long time, and has been reported on many occasions as perpetrator of serious human rights violations. The Historical Clarification Commission reports that in June 1978, employees of Exmibal were involved in the extrajudicial executions of four people close to the mine.

CGN was bought in 2004 by the Canadian company Skye Resources. In 2008 these two companies, and the Phoenix Project, were bought by HudBay Minerals, also registered in Canada. Skye Resources was then renamed HMI Nickel. As HMI Nickel merged with HudBay, HudBay Minerals is legally responsible for the violent acts committed by their subsidiaries in the Lote Ocho community in 2007.

In 2011, Hudbay Minerals sold CGN to the Solway Group, a company with Russian capital which is the current owner of CGN. Solway claims to have no links with Hudbay Minerals, however they continue defending Hudbay's interest, as will be explained later.

Razing the community

In January 2007 there were two forced, extrajudicial evictions in the Lote Ocho community. The events narrated here took place during the second eviction, carried out on January 17 by CGN private security guards, together with National Civil Police officers and army soldiers. Heavily armed, they burst into the community, surrounded the homes, and, using tear-gas and firing their weapons, they carried out the eviction with excessive violence and no prior notification from the responsible authorities.

During the eviction, private and state agents burnt homes, beds, tables, benches, and personal clothing, as well as the corn that was stored in the homes for daily family use. They also destroyed the grinding stones used for the corn and the pans used for making tortillas, which have economic value as well as being important symbols in the indigenous culture. The aggressors also ate the community's food and stole community goods. "The police arrived on the day of the eviction. They burnt my house. They destroyed

everything (…) they caused us a lot of damage. The soldiers even took the tin sheeting from the roof of the church" (L8-08, interview, May 24, 2012).

The private guards and state agents took a long time to burn the homes and their contents due to the humidity in the air, since it had rained that day. Later, they took a chainsaw to cut the wooden supports of the homes and destroyed other community buildings such as the church. That is how the destruction and burning of the community took place in Lote Ocho. "On January 17, 2007 they returned around four in the afternoon. It was difficult, they tried several times to burn everything but it had rained. They came back at 8 that night and used a chainsaw" (L8-H, group interview, May 24, 2012).

Rape

On the day of the eviction, it was largely only women and children who were in the community, since the men were doing agricultural work on neighboring lands[41]. This was not only a reflection of the gender division of labor in the peasant community; additionally, with the latent threat of eviction from the land, there was a prevailing idea that women could prevent eviction by just being there, as they would be respected because they were women. Thus, many of the women remained in the community on purpose, to defend their territory. "The women stayed at home as a strategy to try to prevent eviction and destruction" (García, Marta, interview, November 23, 2012).

However, when the armed guards from the CGN, PNC and the army burst into the community, far from respecting the women, they turned against them and brutally mass raped them. Some women were raped by up to ten men. Many were pregnant. They were raped either in their homes or close to the community, when they were trying to escape.

The women were raped at gunpoint at the same time as the looting was being carried out and their homes were being destroyed; this was done in the whole community. In other words, in that context, the perpetrators had absolute control over the situation.

41. With the exception of one man who was sick.

> When I was raped, I was seven months pregnant. While they raped me, one of my sons took my one-and-a-half-year old daughter, while other police officers burned my clothes. I tried to scream but they told me "don't scream". They threw my tortillas on the ground, my children had no food left; there were some ripe bananas, and they also ate those (Tribunal of Conscience, 2010: 52).

Before the rape, the women were subjected to interrogations about the whereabouts of their husbands, particularly those who were members of the Land Committee. In that context, the rape was part of an act of torture. Esmeralda Pop explained what happened:

> They had already surrounded the community hall and my house. They asked about my husband. What I said was: "What do you want my husband for? We have been here for a long time. Why do you want to know where he is? We're from Guatemala and we deserve this land. The company (CGN) is not from Guatemala." "Shut up", they told me. Then, they poured gasoline on my house and burnt it down. That day my husband was out cleaning cardamom. (L8-14, interview, May 25, 2012).

The suffering of the women was worsened by the fact that they were raped in front of their underage sons and daughters. In so doing, the perpetrators tortured not only the women but also their children who were forced to witness these horrendous acts of violence against their mothers.

Some women managed to flee to the mountains; others reached the village of Cahaboncito by midnight, after avoiding police barricades. However, most could not escape, since they were accompanied by their young children which made it more difficult for them to walk.

The Consequences

Forced displacement of the community

After the destruction of their community, the population of Lote Ocho was forced to move to the mountains, approximately two kilometers away. Establishing a new settlement implied rebuilding part of their basic community infrastructure. They had to clear the area, prepare the land, build homes, locate and condition water

sources, as well as build footpaths. These paths, which are the only way into the community, connect with a dirt road that belongs to the CGN.

Forced displacement made the already unstable living conditions of the community even worse. In the new settlement they are more isolated from neighboring communities, as well as from schools and other basic municipal services. They lack a water distribution network to their homes; access to electricity is even more distant. Because of the distance from schools, many children and adolescents have not been able to continue studying. Marcela Carchá says: "We have many needs. We do not have drinking water (…) My children are no longer studying because we came here where there are no schools for them" (L8-04, interview May 24, 2012).

In spite of this scarcity, as well as the risk of new evictions, the community remains in the new settlement they have established as a way to continue their struggle to defend their land.

Consequences of rapes on women

The rapes have had serious consequences on women's bodies, such as pain, continuous hemorrhaging, abortions, premature births, the death of children during birth, and the inability to conceive. None of the women has had the necessary medical assistance to address these conditions. Esmeralda Pop tells of her personal experience: "Two soldiers followed me. Two soldiers used me, raped me. I was eight months pregnant (…) Three days later the pain started, I thought at that time that they were labor pains, but the child was stillborn" (L8-14, interview, May 25, 2012).

The main psychosocial consequences of the rapes include forced silence, shame and social blame. For several years, the Lote Ocho women kept their rape a secret from their husbands and the rest of the community. They had to keep quiet and deal with their fears, guilt and shame alone. Some of them, when they decided to tell their husbands, were blamed because they had failed to stop the rape. "I tried to flee, but we were chased by the soldiers. I explained that to him" (L8-12, interview, May 25, 2012).

Reina Tactic, reflecting on the responses and attitudes of the husbands when they learned of the women's rape, explains:

> I didn't tell him what had happened straight away because men get angry, because he wouldn't understand that it was because of the

> eviction that they did this to me. What he's going to think is that what happened to me was my decision so that's why I didn't tell him (L8-03, interview, May 24, 2012).

The physical harm inflicted upon some of the women who went through abortions as a result of the rape has caused permanent or lengthy periods of infertility. In some cases, this has been another reason for husbands to complain. Esmeralda Pop comments:

> Maybe other women have also told you what their husbands have said. I continued to hemorrhage; he would get very angry with me about that. For five years I couldn't get pregnant. I went to a local healer; he massaged me and told me that I would be pregnant within a year. And that's what happened, I got pregnant a year later. I had that child by C-section (...) (L8-14, interview, May 25, 2012).

Once again we can see how, within the framework of a patriarchal culture, rape is a crime whose consequences, particularly the guilt and the shame, fall on the victims, something which does not occur with other crimes. Rape is not interpreted as a social problem or as a human rights violation, but is considered a private problem. This is why women felt forced to remain silent.

Moreover, as a consequence of rape, women have lost their leadership roles in the community environment. "They used to be leaders, but because of the rape they have lost authority in the community" (Marta García, interview, November 23, 2012). As Cynthia Cockburn explains (2010), the purpose of rape is not only harm or the physical destruction of women, but also their social annihilation and dishonor.

Some women ended their silence about rape through women's mutual support groups, facilitated by human rights organizations that have accompanied them. However, as not all of them dared to speak out, the exact number of women who were raped is not known. It is probable that the majority have not yet spoken out about what happened on that day. For those who decided to present formal complaints, the women's group has been the only space in which they have been able to speak openly about the rape. In their families and in their communities they have had to remain silent. This forced silence has caused them great suffering.

The women have faced the consequences of their community's razing together with the men; together they deal with the fear, the concern about the risk of new evictions, and the work of establishing the new settlement. However, the women have been alone in

trying to resolve the harm that resulted from the violation of their bodies. In the community there is a type of tacit agreement not to speak about the rape. When men talk about damages as a result of the eviction, they include details of the destruction of their goods, but not the harm done to women's bodies.

> (…) in the community we know [rape] existed. Commissions have come, looking for women, to support them; they suffered pain; they are spoken to separately. As men, we haven't analyzed step by step what they went through (L8-H, group interview, May 24, 2012).

Within the patriarchal culture, violence against women is socially legitimized, so it tends to be underacknowledged and invisible. Furthermore, in order to speak of sexual violence, it is necessary to talk about sexuality, but that topic has been made taboo by the many existing power relations. In that regard, the Kaqla women's organization (2004: 84) says that before colonization, "ancient peoples fully experienced their sexuality, without the taboos that we have internalized now and made our own, and which make us afraid to talk about sexuality within the family, at school and at church (…)".

Consequences for children

Violent acts committed during the eviction, particularly the rape of women, had serious consequences for children, including death. Adela Quim, who lost two children as a result of the violent eviction, shared this very painful testimony:

> When they wanted to rape me, I tried to run, but they chased me. My daughter was with me when the soldiers caught me, when I was raped. I lay there and passed out because I remember nothing. My husband went to find me and my three-year-old girl showed him where I was. I remember nothing. I was nine months pregnant, my son was stillborn. When I woke up, I no longer had my son; the people of the community had buried him. I never saw him. My three-year-old girl got sick after the eviction and died from the shock. She got a fever, we gave her medicine, but she never got better. That's why it's so painful for me because I lost my two children as a result of the struggle we're involved in (L8-13, interview, May 25, 2012).

Analyzing and tackling the consequences on the lives of the children who witnessed their mothers' rapes remains a pending

task. It is important to take into account that these brutal acts of violence took place in the context of the destruction of their community. It is also necessary to address the social impact of these serious crimes in the community, promoting collective reflection processes that involve women and men, including in the analysis of the social causes and consequences of sexual violence.

Interpreting the acts of violence

In this study, there is evidence that the imposition of nickel extraction through violence committed by an international mining company included serious human rights violations and horrendous crimes committed against women, children, and the community as a whole.

The rape committed against the women by private guards, soldiers, and policemen during the violent evictions caused particular harm to these women, including physical and psychosocial consequences. To fully understand these crimes, we must consider how the old systems of gender and racial oppression, as well as the objectives of capitalist accumulation during this neoliberal stage of our history, have had an impact on indigenous women's bodies.

The dyad of land dispossession-rape

When analyzing the causes of the eviction and rape, the women of Lote Ocho vehemently declare that these serious acts of violence were committed in order to dispossess them of their land. In doing so, the women uphold the sense that the community has a legitimate right to the land where they live and work. Tania Chub declares:

> The evictions began because of the land. They didn't want us to build our homes here because they said that the land was theirs. But we came here because we've worked here since the times of our grandparents and great-grandparents (…). That's why they came to drive us out (L8-01, interview, May 24 2012).

When the women from Lote Ocho speak of their fight for the land, just as with the women from Sepur Zarco, the historical memory of economic exploitation experienced by their grandparents on the coffee plantations comes to mind, as well as the stories

of how their grandparents moved from place to place in search of land.

For the Q'eqchí people, land is considered not only to be the base of their economic livelihood, but it also has a particular significance as part of the Mayan world vision. In this world vision "all living beings depend on each other…nature, the cosmos and human beings, all bound to the universe, forming part of the material and the intangible" (Cumes, undated: 22). Amelia Tec summarized it as follows: "We belong to the land, but they [the CGN] do not see it that way" (L8-12, interview, May 25, 2012).

With regard to the rape committed during the eviction, the women declare that these crimes are a result of the community's struggle to defend its land. The fact that the rape was perpetrated at the same time as the destruction of their settlement only confirms this conviction. Carmen Ical recounts what she told her husband during a discussion in which he blamed her for the rape: "What happened is because of our continued struggle [for land]. In this struggle the police didn't respect us, they violated our rights and abused us. It wasn't my fault" (L8-02, interview, May 24, 2012).

In fact, rape was used by HudBay Minerals and state agents as a tool for land dispossession. It was an act of aggression perpetrated against women's bodies in order to break down the resistance of the Lote Ocho community and to force them to abandon the disputed land, as well as to crush the collective struggles for land of the Q'eqchí peasant communities in the Polochic Valley.

According to Marta García (interview, July 8, 2012), in the eviction of this community, the women defended the land with their own bodies. In fact, when the mining company committed the violent eviction, it is evident that the women were the ones who suffered the greatest harm, since they were brutally raped and also, together with their children, witnessed the destruction of their community. Moreover, they have had to suffer the physical and psychosocial consequences of the rapes, which are still ongoing.

Before the eviction, the prevailing idea in the community was that women, simply because they were women, would be respected. It is significant that the same logic prevailed among rural communities that were destroyed by the army during the armed conflict. However, as occurred in the past, in Lote Ocho, neither state agents nor guards from the mining company had any consideration for women; they attacked them with particular brutality. The historical memory of land dispossession and rape should be collected in

order to understand how land dispossession has always been accompanied by sexual violence against women, and this learning should be incorporated into communities' strategies to defend their land and territory.

Territory–body, racism, militarization

The sexual attacks against women of Lote Ocho reveal the patriarchal logic by which women are perceived as a man's property. According to this logic, the men who raped the women of this community were seeking to demonstrate power over the organized peasant men by raping "their" women. This pattern is exacerbated in the contexts of militarization or war. In that regard, Stasa Zajovic (quoted in Cockburn 2007: 231) states that in these situations "The property of enemy males is confiscated, while the territory itself becomes occupied through the colonization of female bodies". By raping women in Lote Ocho, HudBay Minerals sought not only to drive the community out of the lands under dispute, but also to mark their control over the territory. Rita Segato (2006) explains that through rape, women are expropriated of control of their bodies and space, and the perpetrators thus establish their sovereignty and territorial control.

Racism against indigenous peoples facilitated the rape of the women from Lote Ocho, since the racial hierarchy worsens women's condition of social inferiority. In that regard, Emma Chirix (2010: 279) declares:

> In a country as racist as Guatemala, violence against indigenous women is still minimized and is concealed in other forms of social violence (...). Rape has been part of a colonization strategy and this partially explains why it is not considered a criminal act.

Andrea Smith (2005: 1, 3) observes that gender violence is a weapon for racism and colonialism, while at the same time sexual violence has also been designed to destroy peoples.

Militarization had a strong impact on the eviction of the Lote Ocho community. As explained above, private guards of the Phoenix Project, policemen and soldiers employed military tactics similar to those used in counterinsurgency policies in the recent past. The patterns were repeated by the *modus operandi* in the rape and the razing of the community. It is evident that the doctrine,

military training, and practices inherited from the armed conflict still continue to be used by the army and the police. This trend has even deepened in recent years. Furthermore, militarization is exacerbated by HudBay Minerals' policy of hiring former army officers to direct private security in its mining project, as these ex-officers bring with them the repressive mentality and practices acquired in the army[42].

To summarize, the mass, brutal rapes perpetrated against Q'eqchí women in the Lote Ocho community were a demonstration of power by a transnational company, as part of neoliberal capitalist globalization, taking advantage of the complicity of state security institutions, in a context of growing militarization. At the same time, it was a form of extreme patriarchal violence, as well as a manifestation of the subordination of indigenous women within the framework of the racial hierarchy that prevails in Guatemala.

The men who raped women during the violent eviction of Lote Ocho acted under the protection of multiple powers. They represented the economic power of transnational capital and the state's political and military power, as well as patriarchal and racial powers. The protection of this multiple-power-base provided the aggressors with the certainty that they would not be punished, and made it possible for them to act with such atrocity against the women.

Because of the way it was perpetrated, the rape of the women of Lote Ocho constitutes a serious human rights violation and a crime against humanity, under both domestic and international law. The direct perpetrators are responsible for these crimes, but so are the private and state entities that the perpetrators belong to, in other words, HudBay Minerals and its subsidiary, the Guatemalan Nickel Company, as well as the National Civil Police and the Guatemalan Army. The latter institutions, far from complying with their legal mandate to protect the human rights of Guatemalan citizens, jointly committed illegal actions to defend transnational economic interests.

42. Mynor Padilla, retired lieutenant colonel and former head of private security for CGN, is being prosecuted in Guatemala for the murder of Professor Adolfo Ich during a peaceful community protest against the mining company.

The Lote Ocho women's struggle for justice

Significance and priorities

For the women of Lote Ocho, one of the most important meanings of justice is the unveiling of the truth about the violence they suffered to defend their land. This encourages them to overcome multiple obstacles and to publicly denounce the events, nationally and internationally. Amelia Tec, vehemently states: "Let everything that happened to us be written down so that one day people will know what happened to women in our struggle for land" (L8-12, interview, May 25, 2012).

For the women of Lote Ocho, the struggle for justice is inextricably linked to the struggle for land. Their priority is to gain clear legal ownership of the land where they live. Even though it is neither a homogenous nor a static idea, most of them interpret the quest for reparations and justice mainly as a means for their families to obtain title to their land. In the short term, they are seeking to prevent new evictions by the nickel extraction company.

The women's priorities in the quest for justice are determined first by their living conditions. The land has been at the center of their historical problems, since it is linked to their survival, and that of their families and their community. Furthermore, for the group, awareness of having rights as women is recent in their lives, something they have learned to embrace as a result of the support received from human rights organizations after the acts of violence that were committed against them.

Strategies: women's groups and alliances

In the road that the women of Lote Ocho have followed to achieve justice, a determining factor has been the establishment of a group of women and of alliances with social organizations at the local, national and international levels.

Immediately after their eviction from Lote Ocho, the women received no support at all. "The social organizations hadn't realized the brutality that had been used to evict the women" (Marta García, interview, November 23, 2012). Later on, some representatives of human rights organizations approached the community and became aware of what had happened. From then on, they began providing

psychosocial support and education in human rights, which strengthened the women[43].

After several months of meetings of the women's group, the members developed the climate of trust they needed to speak out for the first time about the rapes they had experienced during the evictions. So the women's meetings became a space where they could end silence, become aware of their rights and raise their self-esteem. Celia Yalibat states:

> When we went out to receive training on rights, we learned about them. But if women don't go out, they don't know, they don't learn that there are laws that protect women. I have been out and if someone wants to do something to me, I know what I need to do to defend myself. (L8-09, interview, May 25, 2012).

Following the acts of violence, the women did not file a lawsuit in Guatemala because they lacked confidence in the state judicial system. The state security forces' complicity with the mining transnational company prevents women from seeking justice in the national environment:

> (...) it was the authorities who evicted us. It means that all the authorities were in agreement with the eviction. That's why we didn't think of going to present a formal complaint here because that would be worthless (L8-15, interview, June 26, 2012).

The perception that the state justice system fails to provide protection or justice for women in cases of domestic violence also influences their lack of trust in the system: "When a woman is beaten by her husband, they don't help her either. The law doesn't work for women" (L8-19, interview, June 26, 2012).

Furthermore, as to the possibility that the mining company would be held accountable to the state justice system, there is an obstacle in Guatemalan legislation, since there is no law to make a company responsible when its workers commit crimes (Marta García, interview, July 8, 2012).

Community justice was not seen as an alternative for the Lote Ocho women. The power differential between the community and the transnational mining company would make it impossible to submit this case to community justice practices. Nor was any mechanism promoted that would provide moral reparations to the

43. The women's group has been accompanied by the organizations the Rights Action and ECAP.

Women of Lote Ocho during a psychosocial support activity, 2010. Photograph: Mónica Pinzón/ECAP.

women for the serious harms they suffered during the eviction. As explained earlier, the sexual violence perpetrated against these women during the eviction has not been addressed openly in the community. This was why the women did not seek any support from the community.

When they saw the possibility of presenting an international lawsuit, several women victims of rape decided to do so. They understood the reasons why other women decided not to. "(...) we decided to present a formal complaint. We see this as a violation of our rights and a sexual violation. Maybe the others were afraid and embarrassed so they don't want to talk about it and file a complaint" (L8-12, interview, May 25, 2012).

The lawsuit in Canada

On March 28, 2011, eleven women from Lote Ocho filed a lawsuit in Ontario, Canada, demanding reparations for the mass rape they had suffered during the eviction perpetrated by the Guatemalan Nickel Company in their community. The lawsuit was against Hud-

Bay Minerals Inc. and HMI Nickel Inc., for the negligent conduct of their affiliate in Guatemala, which had failed to adopt the necessary measures to prevent the use of violence by its security personnel during the eviction, causing serious physical and psychological harm to the Lote Ocho women.

In the lawsuit, the solidarity of two Canadian entities has been of strategic importance for the Lote Ocho women: Rights Action, a human rights advocacy organization, and Klippenstein's, a small law firm which has represented them free of charge.

The lawsuit was for negligence, as there are no laws in Canada to attribute liability to companies for their actions in other countries (Grahame Rusell, interview, July 17, 2013). For the Canadian organizations that are supporting the women's case, this is also a way to attempt to change the laws in their own country, to oblige transnational companies to respect human rights in the countries where they have mining activities.

In addition to the legal case of the women from Lote Ocho, two other lawsuits were filed in Canada against HudBay Minerals for the repressive actions of its subsidiary company in Guatemala, which committed serious crimes against the Q'eqchí people of El Estor, Izabal. One lawsuit was filed by Angélica Choc for the murder of her husband, Professor Adolfo Ich, perpetrated by CGN's security guards during a peaceful protest against an eviction in the community of Las Nubes. Another lawsuit was filed by German Chub, who was shot and seriously injured by CGN security guards, leaving him paraplegic. So, a total of three lawsuits were filed in Canada.

Two years were spent on motions and appeals. Two procedural elements were discussed: first, whether Canada had jurisdiction for judging crimes committed in another country; and second, whether Hudbay could be held liable for crimes committed by a subsidiary or not. In February 2013, the mining company withdrew its objection regarding jurisdiction, which represented significant legal progress (Grahame Rusell, interview, July 17, 2013).

On July 22, 2013, the Supreme Court of Justice of Ontario, Canada, under Judge Carole Brown, issued a ruling to accept the prosecution of HudBay Minerals for the rape of the women from Lote Ocho and also for the other two lawsuits that were filed. All three lawsuits are now in the preliminary phase.

The decision of the Canadian court is extremely significant, since it is the first time in the legal history of the country that a

trial has been held against a company registered in Canada for human rights violations committed in another country. The women from Lote Ocho have set a historical precedent in their search for alternative routes to justice for sexual violence. At the same time, it is an important antecedent for social struggles to prevent transnational mining companies from further violating human rights and destroying natural resources in Guatemala and other countries.

For the group of women from Lote Ocho, the lawsuit has empowered them and has required their participation in different activities in Guatemala City and Canada. So the group's leaders have strengthened their leadership roles in the struggle for justice. They have denounced sexual violence, as well as the obstacles they have faced in their quest for justice, at press conferences, interviews and in videos.

In November 2012, two representatives of the Lote Ocho women traveled to Canada to participate in the preliminary hearings. They responded to interrogations by HudBay Minerals' lawyers separately. These women showed strength and determination when recounting the acts of violence committed against them (Grahame Rusell, interview, July 17, 2013).

Furthermore, the group perceives that the lawsuit has been useful for stopping new evictions by CGN in their community. This is an idea that women frequently mention: "It's because of us that no more evictions are taking place. Yes, evictions have stopped because of our strength and efforts" (L8-19, interview, June 26, 2012). For them, this is a strong incentive to continue with the legal demand.

Obstacles and challenges

The women of Lote Ocho have faced many obstacles in their quest for justice, such as the prevailing insecurity in the Polochic Valley. But the greatest obstacle has been a defamation, harassment and intimidation campaign by the Guatemalan Nickel Company, designed to force them to withdraw the lawsuit filed in Canada. This campaign was intensified in 2013 when the decision to accept the trial in Canada was issued by the Supreme Court of Ontario.

CGN's defamation includes rumors indicating that the women have received large amounts of money as indemnification. Amelia Tec explains:

> Not only women but also men in the community have said that we've received 24,000 quetzals each. However, we haven't received any money. Sometimes we don't even have money to pay the bus fare. We've had to walk for up to four hours. We've really struggled to be there (L8-12, interview, May 25, 2012).

As part of the campaign against these women, the mining company proposed to negotiate with some members of the community's Land Committee. Showing them photographs of the leaders of the women's group, they asked the men to convince them to withdraw the lawsuit in Canada as a condition to restart the dialogue on the land dispute. Moreover, on several occasions, they have offered the men money and jobs in exchange for withdrawing the lawsuit. Virginia Bol explains what happened at a meeting between CGN officials and members of the Land Committee, a meeting from which women were excluded:

> The people from the Company told the Committee members: "We're only inviting you because you know these women". And while showing them the photographs, they said: "We want you to convince these women that it is because of them that we can't work any longer". They said that because of the lawsuit they couldn't continue their talks with the Committee (L8-15, interview, June 26, 2012).

The mining company also carried out intimidating actions to deprive the women of national and international support. Amanda Xol reports the following:

> The CGN doesn't want us to receive our friends or the people from Canada in the community (...). For instance, a few days ago a Canadian organization came to inquire about the evictions. The organization took all the information. They published it in Canada and that's why the CGN is angry with us. (L8-05, interview, May 24, 2012).

The intimidation campaign has had a huge impact on the lives of the plaintiffs, since they fear violent reprisals by the mining company. Moreover, it has intensified the community's social control over the plaintiffs. This has forced them to limit their movements inside and outside the community, affecting their organizational development. "We struggle to face this situation every single day. They really control what we do now (…). We're afraid of the Company" (L8-15, interview, June 26, 2012)

Women from Lote Ocho and Angélica Choc, local leader of El Estor, at a press conference denouncing the intimidation campaign by CGN, 2013. Photograph: Claudia Hernández/ ECAP.

The CGN's actions have also weakened community unity. As a result of the offers made to the leaders, there are now two groups: one group supports the women, while the other one is asking them to withdraw the lawsuit. This has happened even though the offers lack credibility since the company has deceived and even defrauded the community in the past[44].

Grahame Rusell, leader of Rights Action, believes that the pressure CGN has applied through its defamation and intimidation tactics (tactics that the company has frequently used) has been intensified because Solway, the current owner of the mine, is about to begin intensive mineral extraction. They keep applying pressure to evict people because the nickel is in the mountains where the

44. A few years ago, the CGN sold eight *caballerías* [Translator's note: about 45,000 hectares] of land to the community for which the Q'eqchí people paid Q54,000.00. However, in violation of the agreement, the company refused to issue the deed for the land or any document to support the payments made.

Lote Ocho and Lote Nueve communities are located (interview, July 17, 2012).

The intimidation and defamation campaign carried out by the transnational company undermines women's right to justice, which is another form of violence against them, and a crime. Furthermore, such actions represent a violation of the women's civil rights, particularly their right to organize, their right to freedom of movement, and their right to freedom of expression.

The negotiation proposed by the mining company aims to get male community leaders to convince the women to withdraw the Canadian lawsuit, offering material perks in exchange. Not only is this tactic based in the logic of powerful transnational companies; feminist analysis suggests this is a patriarchal pact to control women. In this case, it is an attempt to negotiate impunity for the sexual crimes committed against the dignity, freedom, and integrity of women.

Finally, it is worth emphasizing the harm that the mining company is continuing to inflict on the women of Lote Ocho on a daily basis. The fact of living within areas controlled by the CGN hinders the women's mobility, worsening their unstable living conditions by limiting their movement outside the community to seek medical assistance for themselves and for their children, as well as restricting other types of economic and social activities. This demonstrates that neoliberal globalization has gender-differentiated repercussions, which worsen women's condition of oppression.

Chapter VI
Q'eqchí women's perceptions of community justice

Mayan or community law consists of a set of rules and principles that govern the relations of coexistence among people, families and communities. Its main foundation is the Mayan world vision and it synthesizes the wisdom of the communities. Dialogue, consultation, and consensus building are central elements in the justice application processes. However, Mayan law is not static, since it changes depending on historical conditions (Solís, 2013).

The Peace Accords recognized the traditional law of indigenous peoples and this has served as the basis for the promotion of important processes aimed at the recovery and strengthening of ancestral practices of justice. Various institutions and mechanisms created after the Peace Accords also contribute to the implementation of community justice. Some of the bodies that implement community justice are the Councils of Elders, the Alcaldías Indígenas (Indigenous Mayors' Offices), the Alcaldías Auxiliares (Auxiliary Mayors' Offices), the Consejos comunitarios de desarrollo (Community Development Councils) -COCODES-, and other committees formed according to the particular characteristics of each community.

Comparing community justice with state justice

Analyzing the responses of both community and state justice in relation to women, the Q'eqchí women from Sepur Zarco began by comparing the past and the present, based on the impact of the armed conflict on the two justice systems. This is Esperanza Caal's opinion:

> Women are still going through very difficult times. The situation is difficult now, but it was worse before. The government ordered to make us suffer (...). seeking justice in court was not an option, because it was part of those responsible for the damage. Even to think about community justice was not an option, because the committees were the military's accomplices (SZ-02, interview, June 21, 2012).

The progress made by the women of Sepur Zarco regarding current criminal proceedings for rape and sexual slavery is the result of ten years of collective struggles and participating in alliances. Despite the progress, they have not lost sight of the obstacles that indigenous women face in the state justice system as a result of ethnic and gender discrimination: "(...) if I go alone they won't listen because I'm indigenous" (SZ-10, interview, May 17, 2012). "If I'd gone to the authorities alone to file a complaint, they wouldn't have accepted me because they discriminate against women" (SZ-09, interview, June 21, 2012).

A lower court judge of a municipality in the Polochic Valley recognizes the obstacles faced by indigenous women who seek to gain access to state justice:

> Most women who come to the court don't speak Spanish. There are no interpreters here and I don't speak the local language. Not speaking the language is a big problem because you can't understand what they're saying; they come here and talk a lot and I don't understand anything. Even when there is a translator present, some information isn't passed on, and it might be information which could be used as evidence (lower court judge, interview, January 19, 2013).

The judge is referring to an issue that is not only a daily difficulty, but also a significant problem: the monistic legal approach of the justice system (Quim, 2013). The current state justice system lacks the pluralistic legal approach that is required in a country that is diverse in its cultures, communities, peoples and languages; the result is discriminatory and unfavorable treatment for indigenous peoples, particularly for indigenous women.

At the same time, the state justice system requires to invest time and money. "I think the difference in indigenous justice is that a solution is sought immediately, without prejudice against any of the parties. In contrast, ladino justice requires time and money (...)" (SZ-01, interview, June 20, 2012).

A female indigenous mayor in Quiché highlights the fact that the Mayan justice system is free of charge and rapid, and that it is remedial in nature:

> It is a free service for the community (...). In the Mayan justice system, the damage is repaired. Indigenous justice is fast. People do not need to invest money to obtain justice; they do not need to find the time to travel to the cities (Indigenous Mayor of Quiché, interview, August 12, 2012)

The distances between indigenous women and the state justice system are not only physical. The system is also notable for being distant from their worldview, as has been indicated by indigenous organizations that promote the incorporation of legal pluralism into today's formal justice system.

Community justice: affected by unequal gender relations

Community justice, like state justice, is permeated by unequal gender relations, which represent an obstacle to justice for indigenous women. Female indigenous academics have indicated that community justice generally does not include women's rights. Ana María Álvarez, in an interview published by Esthela Tzorin (2009), states that Mayan law is based on a male vision, and that those enforcing justice are mainly men. This particularly complicates addressing sexual violence, which continues to be a problem that is concealed.

The women from Sepur Zarco value the fact that in their communities they now have committees where women are heard, but they criticize how little importance community authorities accord to violence against women, particularly rape, which is not perceived as a crime.

> At least women's voices are now heard and committees have been created. However, many of them do not perceive sexual violence as a crime. They think of it as something that happens to women (...). For example, I remember when it happened to my daughter, my

> husband tried to rape her and I went to the mayor. He [said]: "You should hide the problem because it will be an embarrassment for you and your daughter" (SZ, group interview, June 20, 2012).

The women of Lote Ocho also stated that when they present cases of violence against women perpetrated in the family environment, they usually do not receive community support. On the contrary, they tend to be blamed. Virginia Bol says:

> When there is violence in the family, the first thing they [women] do is seek support from the community authority, but they are told that "women are guilty". So, the process collapses as women keep everything to themselves (L8-15, interview, June 26, 2012).

Women criticized the use of dialogue to solve problems involving sexual violence, as well as the fact that these crimes are not given the same level of importance as other ones. Andrea Cu expressed it as follows:

> I believe that sexual violence is a crime, but the COCODES look on it as something that can be resolved through dialogue. It's not like a murder, because that would be taken by the committee to the courts of justice in Panzós or La Tinta, since they would be considered serious crimes (SZ-04, interview, May 15, 2012).

These testimonies give an idea of why community justice is not perceived by women as an alternative for achieving justice in cases of violence against them, especially in cases of sexual violence in their families and communities.

However, women have expectations regarding the current recovery and strengthening of community justice based on indigenous law. "Community authorities do not currently support women, but if there were a preparation process for community authorities, I think something could be accomplished" (SZ-02, interview, June 21, 2012).

Esperanza Caal believes that women themselves should promote the changes necessary for the community authorities to recognize women's rights:

> The community authorities are not trained to respond to women, nor are they prepared to respond to women whose rights are violated. Therefore, I have tried to raise awareness among other women to make the authorities understand the situation (SZ-02, interview, June 21, 2012).

These testimonies make it evident that community justice has great potential as an alternative for indigenous women. However, it is necessary to incorporate women's points of view, needs and demands.

The efforts of various actors in Guatemala to strengthen community justice represent an opportunity to incorporate a gender approach in this area. Reflection processes should be promoted in order to understand, first, how unequal gender relations are present in all areas of society and, second, how they relate to the other systems of domination. On this basis, it would be possible to progress in addressing the causes, manifestations and consequences of violence against women, particularly sexual violence. This would make it possible for indigenous women to find in community justice a window of opportunity that responds to their demands for justice.

Chapter VII
Conclusions

Land dispossession and rape of indigenous women has been a recurring dyad in the history of Guatemala. This study reveals how this pattern was repeated in the two cases analyzed here. The rape and sexual slavery which the Q'eqchí women of Sepur Zarco were subjected to in the context of the armed conflict were tools used to try to end peasant struggles for land ownership. In the community of Lote Ocho, the rape of Q'eqchí women was also used as a tool for land dispossession, as part of the extension of the extractive model.

This investigation provides evidence of how the perpetrators, in their violent eviction and sexual violation of the women of Lote Ocho, put into practice methods similar to those used by state forces in the community of Sepur Zarco during the armed conflict. This was possible because of the continued existence of the structural causes that underlie such crimes. The system of gender oppression plays a central role, since it assigns women a condition of social inferiority, and utilizes rape as a powerful means of domination. In contexts of war and militarization, women's bodies become part of enemy's territory to be dominated and controlled.

Furthermore, the power structures that have enabled the continuation of sexual violence against Q'eqchí women are the result, first of all, of deeply rooted racism against indigenous peoples, which exacerbates discrimination against the women, facilitating the perpetration of violence against them. Another structural cause

is the conflict resulting from extreme inequality in the structure of land ownership and tenure, which has been exacerbated by the neoliberal extractive model. At the same time, growing militarization and the continuation of impunity, the results of state security and justice policies, complete the conditions that made it possible for such serious crimes of sexual violence to be committed against the women of Lote Ocho, following patterns similar to those used against the women of Sepur Zarco.

Sexual violence against women of Sepur Zarco was used as a weapon of war in the state counterinsurgency strategy during the armed conflict. As in the rest of the country, women were victims of rape and other serious crimes in the context of attacks against civilians. The crimes of rape, sexual slavery, torture, murder and forced disappearance perpetrated by the military against the women of Sepur Zarco and their families constitute crimes against humanity and war crimes, with no statute of limitations.

During the armed conflict, the patriarchal system was instrumental to the objectives of counterinsurgency since it provides a system of power relations that puts men in a position of supremacy while subordinating women. In Sepur Zarco, specific mechanisms of patriarchal domination were used as instruments of violence and were articulated with other power structures.

The forced labor to which Q'eqchí women were subjected at the military detachment of Sepur Zarco was not only an extreme form of economic exploitation; it was also an acute expression of racism against indigenous women. Domestic enslavement exacerbated the poverty and social marginalization of the women and their children. Domestic and sexual slavery represented a heavy physical and emotional burden, at levels that pushed the women to the brink of survival.

The structural basis for the sexual and domestic enslavement of Q'eqchí women in the military detachment of Sepur Zarco can be found in the interwoven gender, class and ethnic oppressions that indigenous women have endured. The military counterinsurgency tactics deployed by the army were developed on top of this structure, in the context of the armed conflict. This resulted in the expropriation of the workforce and of the eroticized women's bodies through extreme violence, constituting one of the most ominous chapters of the armed conflict.

Mass rape, brutally perpetrated against Q'eqchí women from the community of Lote Ocho, was used as a tool for land dispos-

session by the transnational company HudBay Minerals, through its subsidiary in Guatemala, the Guatemalan Nickel Company, with the complicity of the National Civil Police and the Guatemalan army. They sought to break down the community's resistance and to force the community to abandon the disputed land, while at the same time subduing the Q'eqchí peasant communities' collective struggles for access to land in the Polochic Valley. Moreover, by raping the women, the perpetrators sought to assert control over the territory.

Rape committed against the women of Lote Ocho constituted a demonstration of power by a transnational corporation in the context of the expansion of the extractive model. It was also an extreme form of patriarchal violence, as well as a manifestation of the subordination of indigenous women within the prevailing racial hierarchy in Guatemala.

The men who raped women during the eviction of Lote Ocho were protected by multiple sources of power. They represented the economic power of transnational capital, the political and military power of the state, and patriarchal and racial powers. This broad-based power gave the aggressors certainty that they would not be punished and made it possible for them to commit such atrocities against the women.

This study shows how the neoliberal extractive model is having a serious impact on women's lives and on the communities in the Polochic Valley. For the women from Lote Ocho, the imposition of nickel extraction by means of violent and militarized eviction has generated serious human rights violations and sexual crimes. This exacerbates the marginalization of women and gender inequality.

The women from Sepur Zarco, as well as the women from Lote Ocho, following different paths, are breaking new ground in their search for justice and their quest to end impunity for the serious crimes to which they have been subjected. Working in alliances of women's and human rights organizations, they are the protagonists of strategic legal proceedings.

The criminal complaint presented to the state justice system by the Sepur Zarco comen for rape, sexual slavery, and other serious crimes committed during the armed conflict is far-reaching in its significance and implications; as such, it is considered to be an emblematic case of litigation. This is the first time that a national court has heard cases of rape and sexual slavery committed during

the armed conflict, aimed at ending the total impunity for such crimes. This case also has an impact at the international level, since there are very few criminal proceedings for sexual violence during wartime that have been addressed in the courts of the countries in which the events occurred. Thus, the efforts of the women of Sepur Zarco represent a contribution to the global struggle to eradicate sexual violence during armed conflicts, one of the most widespread and silenced human rights violations.

The acceptance of the Lote Ocho women's case by the Canadian justice system breaks new legal ground in a different and highly significant way. In deciding to hear the women's case demanding reparations for the brutal gang rapes perpetrated by security guards from the Guatemalan Nickel Company, a subsidiary of the Canadian multinational HudBay Minerals, the Canadian court sets a historical precedent, establishing that the home country of a multinational corporation has jurisdiction for judging crimes committed by that company in another country, and that multinational companies can be held liable for the actions of their subsidiaries. This ruling sets an important precedent in the search of alternative ways to achieve justice for sexual violence against women. It also establishes a significant antecedent for struggles aimed at preventing transnational mining companies from continuing to violate human rights and exploit natural resources in Guatemala and other countries.

Additionally, both the Sepur Zarco and Lote Ocho legal processes represent a significant contribution to the struggle to prevent and eradicate sexual and other forms of violence against women in current times, as impunity perpetuates these human rights violations.

In both cases, the main strategies used to achieve justice have been the development of women's groups and the building of alliances. Women's groups have been fundamental tools, as they have allowed their members to break their silence on sexual violence, become aware of their rights, and reinforce their strengths. Moreover, women's groups have provided a space for healing and reflection on the causes of sexual violence, helping women overcome some of the psychosocial consequences of rape, such as feelings of shame and guilt.

The development of alliances has been a strategy of crucial importance in the pursuit of justice. Given the abysmal differences in power between victims and perpetrators, no group or

organization alone could tackle the enormous task of promoting an end to impunity for these serious sexual crimes, which have national and international significance. These are collective struggles in which Q'eqchí women are at the center of the quest for justice; they have had the support of women's and human rights organizations, which see these processes as part of their political commitment to the eradication of gender-based violence and to women's emancipation. These alliances are the driving force in the effort to end impunity for such heinous crimes.

The courageous efforts of the two groups of Q'eqchí women to achieve justice are significant contributions to: a) the political action of the women's movement to defend their rights; b) the indigenous peoples' struggles against ethnic discrimination and racism; c) the struggles of peasants in defense of their land and territory, in the context of the expansion of the extractive model at the current stage of neoliberal globalization.

The women in both groups face many obstacles in their quest for justice; foremost of these challenges are the context of violence and conflict in the Polochic Valley, resulting from land dispossession driven by national and transnational corporations, and the growing criminal violence. For the group of women from Sepur Zarco, one particularly significant obstacle is that they must live in the same community as several of the perpetrators of the sexual violence committed against them. For the women of Lote Ocho, the main obstacle has been the Guatemalan Nickel Company's campaign of defamation, harassment, and intimidation intended to force them to withdraw their lawsuit against HudBay Minerals in Canada.

The women who are the protagonists of these legal proceedings are transforming themselves, becoming historical subjects who demand justice for the crimes committed against them and their families. In doing so, they are developing unprecedented ways of helping to bring justice to other women. At the same time, these collective struggles are contributing to processes of social transformation that work to delegitimize sexual violence against women, to eliminate the stigma and shame borne by the victims, and to transfer it to the perpetrators. This will contribute to constructing societies in which women and men are able to live in liberty, equality and with respect for their dignity.

Bibliography

Acevedo, Saríah (2011). "Resistencias de las mujeres indígenas". In Ana Cofiño & Rosalinda Hernández Alarcón (eds.). *Nosotras, las de la historia. Mujeres en Guatemala (siglos XIX-XXI)*. Guatemala: La Cuerda y Secretaría Presidencial de la Mujer (Seprem).

Aresti, Lore (2003). *La violencia impune. Una mirada sobre la violencia sexual contra la mujer*. México: Fondo Cultural Albergues.

Basaglia, Franca (1986). *Reflexiones sobre la mujer*. México: Universidad Autónoma de Puebla.

Bastos, Santiago & De León, Quimy (2014). *Dinámicas de despojo y resistencia en Guatemala. Comunidades, Estado y empresas*. Guatemala: Diakonia, Equipo de Comunicación y Análisis "Colibrí Zurdo".

Batres, Rodrigo; Gutiérrez, Marta & Solís, Isabel (2012). *Informe de consultoría. Violencia política y conflicto agrario. Aproximación al contexto sociopolítico de las comunidades q'eqchi's de la cuenca baja del río Polochic*. Guatemala: ECAP.

Brownmiller, Susan (1975). *Against our will: Men, women and rape*. New York: Simon & Schuster.

Cabnal, Lorena (2010). "Acercamiento a la construcción de la propuesta de pensamiento epistémico de las mujeres indígenas feministas comunitarias de Abya Yala", en ACSUR-Las Segovias, *Feminismos diversos: el feminismo comunitario*. Available at: <HYPERLINK "http://porunavidavivible.files.wordpress.com/2012/09/feminismos-comunitario-lorena-cabnal.

pdf"http://porunavidavivible.files.wordpress.com/2012/09/feminismos-comunitario-lorena-cabnal.pdf>.

Casaús Arzú, Marta Elena (2008). *Genocidio, ¿la máxima expresión de racismo en Guatemala?* Guatemala: F&G Editores.

Casaús Arzú, Marta Elena; Hurtado de Mendoza, Alejandra & Torres, Cristina (coords.) (2010). Informe final de Guatemala. *Iniciativa regional sobre salud de jóvenes indígenas. Salud sexual y reproductiva y VIH en adolescentes y jóvenes indígenas*. Guatemala: Ministerio de Salud Pública y Asistencia Social, Representación OPS/OMS en Guatemala.

Castellanos Cambranes, Julio (2004). *Ruch`ojinem Qalewal 500 años de Lucha por la Tierra. Estudios sobre Propiedad Rural y Reforma Agraria en Guatemala*. Guatemala: Editorial Cholsamaj.

Chirix, Emma Delfina (2010). *Ru rayb'al riqach'akul. Los deseos de nuestro cuerpo.* Guatemala: El Pensativo.

Chirix, Emma Delfina (2013). *Cuerpos, poderes y políticas: mujeres mayas en un internado católico.* Guatemala: Ediciones Maya' Na'oj.

Cockburn, Cynthia (2007). *From where we stand. War, Women's Activism & Feminist Analysis.* London, New York: Zed Books.

Cockburn, Cynthia (2010). "Gender Relations as Causal in Militarization and War". *International Feminist Journal of Politics,* 12 (2), 139-157.

Commission for Historical Clarification (1999). *Guatemala: memory of silence. Available at:* < HYPERLINK "https://hrdag.org/wp-content/uploads/2013/01/CEHreport-english.pdf"https://hrdag.org/wp-content/uploads/2013/01/CEHreport- HYPERLINK"https://hrdag.org/wp-content/uploads/2013/01/CEHreport-english.pdf"english.pdf>.

Consorcio Actoras de Cambio & Instituto de Estudios Comparados en Ciencias Penales de Guatemala (2006). *Rompiendo el silencio. Justicia para las mujeres víctimas de violencia sexual durante el conflicto armado en Guatemala*. Guatemala: ECAP, Unamg.

Consorcio Actoras de Cambio (2007). *Memoria del encuentro de mujeres sobrevivientes de violencia sexual*. Guatemala, November 13, 2007

Cumes, Aura (2012). "Mujeres indígenas, patriarcado y colonialismo: un desafío a la segregación comprensiva de las formas de dominio". *Anuario Hojas de Warmi,* (17). Spain: Universidad de Murcia.

Cumes, Aura (s.f.). *Política de equilibrio, complementariedad y equidad de género: Nuevo pacto entre mujeres y hombres mayas en el marco de la cosmovisión maya*. Guatemala: Mecanismo de apoyo a los pueblos indígenas - Oxlajuj Tz'ikin.

Diez, Andrea (2006). *Eso no se escucha. Inclusión de los hechos de violencia sexual en las causas por violaciones a los derechos humanos en Guatemala*. Guatemala: Instituto de Estudios Comparados en Ciencias Penales de Guatemala (ICCPG).

Dirección General de Estadística. *II Censo Agropecuario*. Guatemala, 1964.

Facio, Alda (2002). "Con los lentes de género se ve otra justicia". In *El Otro Derecho, número 28. Julio de 2002*. ILSA, Bogotá, Colombia.

Fulchiron, Amandine; Paz, Olga Alicia & López, Angélica (2009). *Tejidos que lleva el alma. Memoria de las mujeres mayas sobrevivientes de violación sexual durante el conflicto armado*. Guatemala: Equipo de Estudios Comunitarios y Acción Psicosocial (ECAP), Unión Nacional de Mujeres Guatemaltecas (Unamg).

Gómez Grijalba, Francisca (2013). "Un repaso a los principales proyectos mineros en Guatemala: política gubernamental y conflictividad social", in *El Observador Nos. 40-41, mayo-septiembre de 2013*. Guatemala.

Grandia, Liza (2009). *Tz`aptz`ooqeb` El despojo recurrente al pueblo q'eqchí*. Guatemala: Asociación para el Avance de las Ciencias Sociales en Guatemala (AVANCSO).

Grandin, Greg (2007). *Panzós: La última masacre colonial. Latinoamérica en la Guerra Fría*. Guatemala: Asociación para el Avance de las Ciencias Sociales en Guatemala (Avancso).

Grupo de Mujeres mayas Kaqla (2004). *La palabra y el sentir de las mujeres mayas de Kaqla*. Guatemala: Editorial Cholsamaj, Novib Hivos, Oxfam.

Guerra Borges, Alfredo (2006). *Guatemala: 60 años de historia económica (1944-2004)*. Guatemala: Universidad de San Carlos de Guatemala, Programa de los Informes Nacionales de Desarrollo Humano de Guatemala.

Hurtado Paz y Paz, Laura (2008). *Dinámicas agrarias y reproducción campesina en la globalización. El caso de Alta Verapaz, 1970-2007*. Guatemala: F&G Editores.

Instituto Nacional de Estadística (2004). *IV Censo Nacional Agropecuario. Características generales de las fincas censales y de productoras y de productores agropecuarios.* (Tomo I). Guatemala.

Instituto Nacional de Estadística y Secretaría Presidencial de la Mujer (2007). *Indicadores para el análisis de género 2007*. Guatemala.

Lagarde, Marcela (1993). *Los cautiverios de las mujeres: madresposas, monjas, putas, presas y locas.* Mexico: Universidad Nacional Autónoma de México.

Larguía, Isabel & Dumoulin, John (1971). *Hacia una ciencia de la liberación de la mujer*. Havana: Casa de las Américas.

Martínez Peláez, Severo (1990). *La patria del criollo. Ensayo de interpretación de la realidad colonial guatemalteca*. Mexico D. F.: Ediciones en Marcha.

Martínez Peláez, Severo (2011). *Motines de indios*. Guatemala: F&G Editores.

Méndez Gutiérrez, Luz (2013). *La erradicación de la violencia contra las mujeres y el papel de la Policía Nacional Civil*. Guatemala: F&G Editores/Fokus. Available at: <HYPERLINK ""http://www.fokuskvinner.no/PageFiles/9008/Violencia%20contra%20Mujeres%20y%20PNC_LuzMendez_Final.pdf>

Méndez, Luz (2013). *Despite Annulment, Genocide Trial a Breakthrough for Justice and Truth*. Available at: <http://www.cipamericas.org/archives/9544>

Merchand Rojas, Marco Antonio (2013). "El Estado en el proceso de acumulación por desposesión favorece la transnacionalización de la minería de oro y plata en México". *Revista Paradigma Económico*, (1). Mexico.

Montes, Laura (2006). *La violencia sexual contra las mujeres en el conflicto armado. Un crimen silenciado*. Guatemala: Centro para la Acción Legal en Derechos Humanos (CALDH).

National Security Archive Electronic Briefing Book (297) (December 2, 2009). *Operación Sofía: Documentando Genocidio en Guatemala*. Available at: < HYPERLINK "http://www2.gwu.edu/~nsarchiv/NSAEBB/NSAEBB297/index.htm"http://HYPERLINK"http://www2.gwu.edu/~nsarchiv/NSAEBB/NSAEBB297/index.htm"www2.gwu.edu/~nsarchiv/NSAEBB/NSAEBB297/index.htm>.

ODHA. Human Rights Office of the Archdiocese of Guatemala (1998). *Guatemala: never again. (REMHI) Recovery of Historical Memory Project. The official report of the human rights office, Archdiocese of Guatemala*. Guatemala. Spanish version available at: <http://www.derechoshumanos.net/lesahumanidad/informes/guatemala/informeREMHI.htm>.

Paredes, Carlos (2006). *Te llevaste mis palabras. Efectos psicosociales de la violencia política en comunidades del pueblo q´eqchi´*. (Tomo I). Guatemala: ECAP.

Paz, Olga (s.f.). *Violencia sexual, memoria y genocidio*. (PhD thesis, unpublished). Benemérita Universidad Autónoma de Puebla, México.

Quim, Juan Santiago (2013). *Hacia el pluralismo jurídico en Guatemala*. Guatemala: Instituto de Estudios Comparados en Ciencias Penales de Guatemala (ICCPG).

Scott, Joan W. (1997). "El género: una categoría útil para el análisis histórico". En Marta Lamas (comp.). *El género: la construcción cultural de la diferencia sexual*. Mexico: Programa Universitario de Estudios de Género, UNAM.

Segato, Rita Laura (2006). *La escritura en el cuerpo de las mujeres asesinadas en Ciudad Juárez*. Mexico: Universidad del Claustro de Sor Juana.

Smith, Andrea (2005). *Conquest. Sexual violence and American Indian Genocide*. Cambridge, MA: South End Press.

Solano, Luis (2007). "Franja transversal del Norte: Neocolonización en marcha". Boletín *El Observador. Análisis alternativo sobre política y economía*, (2). Guatemala.

Solís, Isabel (2013). Informe de consultoría. *Respuestas de los sistemas de justicia indígena, así como las prácticas comunitarias ante las violaciones a los derechos de las mujeres indígenas y campesinas*. Guatemala: ECAP.

Sosa Velásquez, Mario (2012). *¿Cómo entender el territorio?* Guatemala: URL; Editorial Cara Parens.

Tribunal de conciencia contra la violencia sexual hacia las mujeres durante el conflicto armado interno en Guatemala (2010). Available at: < HYPERLINK "http://publicaciones.hegoa.ehu.es/assets/pdfs/279/Ni_olvido,_ni_silencio.pdf?1342173748"http://publicaciones.hegoa.ehu.es/assets/pdfs/279/Ni_olvido,_ni_silencio.pdf?1342173748>.

Tzorin, Esthela (2009). "Entrevista con Ana María Álvarez. El Derecho maya en el marco de los derechos específicos de las mujeres indígenas". *Derecho Maya. Boletín electrónico,* (2). Guatemala: Centro de Investigaciones Regionales de Mesoamérica (CIRMA). Available at: < HYPERLINK "http://cirma.org.gt/glifos/index.php/Página_principal"http://cirma.org.gt/glifos/index.php/P%C3%A1gina_principal>.

Glossary of abbreviations and acronyms

CEH	Commission for Historial Clarification (Spanish: Comisión para el Esclarecimiento Histórico).
CGN	Guatemalan Nickel Company (Spanish: Compañía Guatemalteca del Níquel)
CICIG	International Commission against Impunity in Guatemala (Spanish: Comisión Internacional contra la Impunidad en Guatemala)
Cocode	Consejo Comunitario de Desarrollo
CPI	Internation Criminal Court (Spanish: Corte Penal Internacional)
ECAP	Equipo de Estudios Comunitarios y Acción Psicosocial
FTN	Franja Transversal del Norte
ICCPG	Instituto de Estudios Comparados en Ciencias Penales de Guatemala
INE	Instituto Nacional de Estadística
MTM	Mujeres Transformando el Mundo
OAS	Organization of American States
ODHA	Human Rights Office of the Archdiocese of Guatemala (Spanish: Oficina de Derechos Humanos del Ar-

	zobispado de Guatemala).
PAC	Patrullas de Autodefensa Civil
PNC	Policía Nacional Civil
SEPREM	Secretaría Presidencial de la Mujer
UNAMG	Unión Nacional de Mujeres Guatemaltecas
URNG	Unidad Revolucionaria Nacional Guatemalteca

About the authors

Luz Méndez Gutierrez. Has written and struggled for women's rights, peace and social justice. Her publications include "La erradicación de la violencia contra las mujeres y el papel de la Policía Nacional Civil" (2013), and "Caminos recorridos: luchas y situación de las mujeres a trece años de los Acuerdos de Paz, co-author (2010). She was the General Coordinator of Unión Nacional de Mujeres Guatemaltecas, and the Coordinator of Consorcio Actoras de Cambio; has also served as a member of the Advisory Group for the Global Study on the Implementation of UN Security Council Resolution 1325. She holds a master's degree in public administration from Harvard University, and is a specialist in Gender Studies.

Amanda Carrera Guerra. Holds a master's degree in Gender Studies from Universidad Rafael Landívar/Fundación Guatemala, and is a Social Worker. Her pubications include "Minería, fuente permanente de violaciones a los derchos humanos. Las mujeres víctimas directas en comunidades afectadas por la explotación minera. San Miguel Ixtahuacán, San Marcos", co-author (2009). She is a feminist researcher, as well as a veteran activist of social struggles, who has accompanied women's groups at the community level in their quest for gender equality and a just society.

IDRC | CRDI

Canada

International Development Research Centre
Centre de recherches pour le développement international

ISBN: 978-9929-8096-8-0